

TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART III, SECTION 4
TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 3rd DECEMBER, 2013

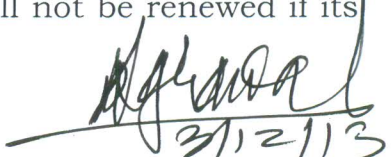
**TELECOM CONSUMERS PROTECTION (SEVENTH AMENDMENT)
REGULATIONS, 2013 (14 OF 2013)**

No. 308-3/2012-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 (Seventh Amendment) Regulations, 2013.
(2) These regulations shall come into force from the 15th day of January 2014.
2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (2 of 2012), in clause (o), the following proviso shall be inserted, namely---

“Provided that the Special Tariff Voucher pertaining to SMS or data, having validity of more than seven days, may be renewed, after obtaining the explicit consent of the consumer in accordance with the procedure specified in Schedule-I and shall be deactivated, at any time on the request of the consumer, in accordance with the procedure specified in Schedule-II;

Provided further that the Special Tariff Voucher shall not be renewed if its tariff has been revised;”


31/12/13
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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.

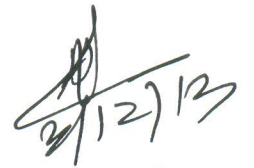
Note.4. —The principal regulations were further amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

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 Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Seventh Amendment) Regulations, 2013 (14 of 2013).



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SCHEDULE-I

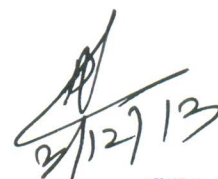
Process for renewal of Special Tariff Vouchers (STV) after expiry of its validity period.

Step-1: The service provider shall provide to the consumer through SMS, in case of STV for SMS, and through a landing web page, in case of STV for data, the details of the STV, its validity, the terms and conditions of its renewal, charges for renewal and inform the customer that he may renew STV by sending SMS with 'yes' to a specified toll free number, or by an e-mail, or by pressing 'yes' button specified on landing web page, or by a letter or FAX to the service provider, before the expiry of the validity period of STV;

Step-2: if the consumer gives his consent, STV shall be processed for renewal and the consent logs shall be stored in the system in an un-editable format for a period of six months. The renewal shall be effective after expiry of validity of the STV;

Step-3: the service provider shall immediately on receipt of consent from the consumer inform him through SMS, in case of STV for SMS, and through a web page, in case of STV for data, about the receipt of his request, indicating therein the details of STV such as name of STV, charges, validity period and toll free short code, in case of STV for SMS, and a web link, in case of STV for data, for deactivation of the STV and renew the STV; and

Step-4: the service provider shall, three days before the expiry of the validity period of STV after every renewal, inform the consumer, through SMS, the due date of renewal, the charges for renewal, the terms and conditions of renewal, the toll free short code for deactivation of STV and in case a request for deactivation is not received, renew the STV.



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SCHEDULE-II

Procedure for deactivation of STV at any time after renewal, on the request of the consumer, through Interactive Voice Response (IVR) or through SMS to a toll free short code or through web link.

(a) Through Interactive Voice Response (IVR):

Step – 1: The consumer makes a call on IVR telephone number of the service provider;

Step – 2: the service provider shall provide to the consumer, over a recorded IVR, the choice of the language for interaction with IVR, which shall be in English, Hindi and in the regional language;

Step – 3: the list of STVs activated on the mobile number of the consumer is provided to him and he is given the option to select the STV, which he wants to deactivate, by pressing the appropriate key;

Step – 4: on pressing the key for a specific STV, an SMS shall be delivered to the consumer informing him that the request to deactivate renewal of the STV has been received and the selected STV shall be deactivated on expiry of its validity period and that he shall receive an SMS confirming the receipt of his request for deactivation of STV;

Step – 5: in case the consumer presses an inappropriate key in step-4, IVR shall inform the consumer that the key pressed is wrong and the procedure listed at step-3 to step-4 shall be repeated;

Step – 6: in case the consumer again presses an inappropriate key in step-5, 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 deactivation of STV and shall inform the consumer that the STV shall be deactivated on the expiry of its validity period and he shall receive an SMS confirming the receipt of his request for deactivation of STV;

Step – 7: in case any key is not pressed for ten seconds in step-4, the consumer shall be given an option to “press 0 to repeat or press 9 to connect to a call center agent”;

Step – 8: on pressing ‘9’ in step-7, the call shall be transferred to a call centre agent who shall take the request of the consumer for deactivation of STV and shall inform the consumer that the STV shall be deactivated on the expiry of its validity period and he shall receive an SMS or e-mail confirming the receipt of his request for deactivation of STV;

(b) Through SMS:

Step – 1: On receipt of an SMS on short code from the consumer to deactivate a particular STV, the consumer is provided through SMS, a list of STVs activated on his mobile number and corresponding keys for deactivation of different STVs and he is asked to send through SMS the particular key of the STV which he wants to deactivate;

Step – 2: in case of receipt of an incorrect response from the consumer, an SMS shall be sent to the consumer giving him the list of STVs activated on his mobile number and he shall be asked to select the STV; which he wants to deactivate by sending through SMS the appropriate key for that STV;

Step – 3: on receipt of the key through SMS as in Step-1 or step-2, an SMS shall be sent to the consumer informing him that his request to deactivate STV has been received and the selected STV shall be deactivated on the expiry of its validity period and he shall receive a confirmation SMS confirming the receipt of his request for deactivation of STV;

(c) Through web:

Step-1: Each time a consumer logs into his account, a web landing page will appear, indicating therein the details of the STV such as name of STV, charges, validity period and a link or button for stopping the STV;


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Step -2: after the consumer has clicked the appropriate link or button on the webpage for deactivation of the STV, he shall be directed to a new page informing him that the request to deactivate the renewal of requested STV has been received and the STV shall be deactivated on expiry of its validity period and that he shall receive an SMS or e-mail, as the case may be, confirming the receipt of his request for deactivation of STV;

Step -3: an SMS or e-mail shall be sent to the consumer on his registered mobile phone or e-mail, respectively, immediately after deactivation of renewal of the STV, informing him about the successful deactivation of the STV along with the name of the STV and a docket number of such deactivation.


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Explanatory Memorandum

TRAI had received complaints of customers against auto-renewal of SMS and Data packs offered to them by service providers through Special Tariff Vouchers (STV) without their consent, after the expiry of the STVs. The issue was examined at length in TRAI and it is observed that as per the regulation 4(2) (c) of the Telecom Consumers Protection Regulations, 2012 dated 6th January, 2012, there is no provision for renewal of STV which is specified to have certain validity period not exceeding ninety days. Hence, the STV lapses after the expiry of its specified validity and auto renewal of STV after its validity period is not provided in the regulations.

2. Regarding the issue whether any regulatory guidelines are violated in the matter, it may be mentioned that the auto-renewal facility on STV is an issue of recent origin. In this case it could be argued that auto-renewal was part of the feature of the STV, which was offered to the customer, and activation of it would amount to agreeing for auto-renewal. At the same time the customer could argue that auto-renewal was imposed later without his consent. It is observed that the consumer is seldom aware of auto-renewal of the STV subscribed by him, before activation of the service, though the consumer does not want such renewal, which is against the interest of consumers.

3. Regarding the issue whether auto-renewal facility could extend the validity of the STV beyond the prescribed limit of three months, the consumers need not activate another voucher to get the indented benefits but could automatically renew the STV. In this way the customer can avail the STV for a period beyond three months. But there could be an argument that each auto-renewal is a separate activation of a STV and auto-renewal is only for mitigating the problem of consumers to periodically activate the voucher to avail the benefits on a long term basis. It may be advantageous for those consumers who want to continue to use the facility with periodic renewal. At the same time there could be consumers who may want only one time use and in their case auto-renewal is a problem as they have to undertake the unsubscription process. Also there is a

possibility that through auto-renewal a STV could replicate a Plan Voucher. The Authority feels that the problem could be addressed and the scheme could be beneficially implemented for consumers if the explicit consent of the consumer is taken for renewal separately. Hence, regulatory guidelines are necessary in the matter and there should be clear opt-in for renewal of STV.

4. Keeping in view of the above, the issue was discussed with the service providers at length. TRAI after careful examination of the feedback received from the service providers has decided to introduce the procedure for renewal of STV. TRAI has decided to keep the short duration validity packs out of purview of renewal of STV as the small duration packs are generally subscribed by low end consumers as well as by those consumers who need it only for a short duration. Renewal of STV is allowed for SMS and Data packs through opt-in facility by taking explicit consent of the consumer at any time before the expiry of validity period of the STV through prescribed procedure. A toll free short code for opting out of the renewal of STV at any time through defined procedure, through SMS, Voice and web is also prescribed to protect the interest of consumers. The consumers are intimated about the process for deactivating an STV, every time an STV is renewed, three days before renewal.


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