

F.No.305-8/2004-QOS
Telecom Regulatory Authority of India
A-2/14, Safdarjung Enclave, New Delhi – 110 029

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Dated 3rd May, 2005

To

All Cellular Mobile Service Providers
All Unified Access Service Providers

Subject: Direction on Value Added Services.

1. The Authority has noted a number of instances where consumers are charged value added services without explicit consent of the customer. One such instance is that at the time of launch of any new Value Added Service, the customer is given the service free during a certain trial period. Subsequently, after the expiry of the trial period, the consumer is informed usually by SMS, that if he does not want the service, he should "unsubscribe" by sending a SMS to the service provider.

2. Thus in such cases, the burden of informing the service provider, not to have that service once it has become chargeable, is put on the customer. There could be a possibility that in case the customer misses the SMS/ communication due to any reason, he starts getting charged without his knowledge and concurrence. This amounts to offering value added service without the explicit consent of the customer.

3. Keeping in view the above and in the interests of the consumers, the Authority in exercise of the power conferred upon it under Section 13 read with Section 11(1)(b)(i) and (v) of the Telecom Regulatory Authority of India Act, 1997 and clause 11 of the Telecommunication Tariff Order 1999 hereby directs all the Cellular Mobile Service Providers and Unified Access Service Providers that no chargeable value added service, shall be provided to a customer without his explicit consent. Any value added service, which was earlier being provided free of charge, shall not be made chargeable without the explicit consent of the customer.

This issues with the approval of the Authority.

(Sudhir Gupta)
Advisor (QOS)