

# The Telecom Consumers Protection Regulations, 2012

## CONTENTS

### CHAPTER I PRELIMINARY

<i>Regulations</i>	<i>Pages</i>
1. Short title, commencement and application .....	228
2. Definitions .....	228

### CHAPTER II PRESENTATION AND MARKETING OF VOUCHERS

3. Start-up Kit .....	231
4. Vouchers .....	232
5. Colour band on paper vouchers .....	233

### CHAPTER III INFORMATION TO CONSUMERS

6. Information to pre-paid consumers on activation of a voucher .....	234
7. Information to pre-paid consumers relating to usage .....	234
8. Past Usage details in respect of pre-paid mobile connections .....	235
9. Establishment of facility for providing information about the account of the consumer .....	235
10. Premium Rate Service and Value Added Service .....	236
10-A. Information to consumers on data usage .....	236
10-B. Activation or deactivation of data services .....	237

### CHAPTER IV DEACTIVATION OF CELLULAR MOBILE TELEPHONE CONNECTION DUE TO NON-USAGE

11. Deactivation of cellular mobile telephone connection of pre-paid consumer due to non-usage .....	237
12. Automatic Number Retention scheme for pre-paid consumers .....	238
13. Safe Custody scheme for post-paid consumers .....	238
14. The grace period for reactivation .....	238
15. Communication of information to the consumer .....	239

CHAPTER V  
RELIEF TO CONSUMERS FOR CALL DROPS

16. Measures to provide relief to consumers ..... 239

CHAPTER VI

MEASURES TO PROTECT CONSUMERS FROM BILL SHOCKS  
WHILE USING INTERNATIONAL MOBILE ROAMING SERVICE

17. Default status of international mobile roaming service ..... 240

18. Information to consumers on activation of international mobile  
roaming service ..... 240

19. Information to consumers on selection of tariff ..... 240

20. Information to consumer as soon as the mobile equipment is  
switched on by the consumer in the visiting country ..... 241

21. Information to consumers at different stages of exhaustion of  
entitled data usage while roaming internationally as per the  
selected tariff ..... 241

22. Information to the consumer who may initiate use of international  
mobile roaming service in a country or area not covered by the  
tariff subscribed or where the applicable tariff differs from the  
subscribed tariff ..... 241

23. Establishment of facility for providing information about the  
account of the consumer while roaming internationally ..... 241

SCHEDULE I ..... 241

SCHEDULE II ..... 242

SCHEDULE III ..... 243

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COURT OF APPEALS  
 IN  
 THE  
 SUPREME COURT OF INDIA  
 NEW DELHI

# The Telecom Consumers Protection Regulations, 2012<sup>1</sup>

(2 of 2012)

[6th January, 2012]

## CHAPTER I PRELIMINARY

**1. Short title, commencement and application.**—(1) These regulations may be called the Telecom Consumers Protection Regulations, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) These regulations shall apply to all service providers [including Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, being the companies registered under the Companies Act, 1956 (1 of 1956)] providing,—

- (i) Unified Access Services;
- (ii) Cellular Mobile Telephone Service.

**2. Definitions.**—In these regulations, unless the context otherwise requires,—

- (a) “Act” means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- <sup>2</sup>[(aa) “activity” means a voice call (outgoing or incoming) or video call (outgoing or incoming) or an outgoing SMS or a data session (upload or download) or usage of Value Added Services or payment of rental in case of post paid connection or any other usage, as may be specified by the service provider, as an activity;]
- (b) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of Section 3 of the Act;
- <sup>3</sup>[(ba) “Automatic Number Retention Scheme” means protection from deactivation of cellular mobile telephone connection of a pre-paid consumer for non-usage on deduction of specified amount from the account of the consumer;]
- <sup>4</sup>[(bb) “call drop” means a voice call which, after being successfully established, is interrupted prior to its normal completion; the cause of early termination is within the network of the service provider;”];
- (bc) “calling consumer” means a consumer who initiates a voice call;]
- (c) “Cellular Mobile Telephone Service”,—

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1. *Vide* Notification No. 308-5/2011-QoS, dated 6th January, 2012, published in the Gazette of India, Extra., Pt. III, S. 4, dated 6th January, 2012.  
2. *Ins.* by Noti. No. 308-5/2011-QOS, dated 21-2-2013 (w.e.f. 22-3-2013).  
3. *Ins.* by Noti. No. 308-5/2011-QOS, dated 21-2-2013 (w.e.f. 22-3-2013).  
4. *Ins.* by Noti. No. 301-23/2015-F&EA, dated 16-10-2015 (w.e.f. 1-1-2016).

- (i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;
  - (ii) refers to transmission of voice or non-voice messages over Licensee's Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, however, Cell Broadcast is permitted only to the subscribers of the service;
  - (iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;
- <sup>5</sup>[(ca) "Combo Voucher" or "CV" means a paper voucher or electronic voucher which on activation alters one or more items, for a period not exceeding ninety days, in the tariff plan of the consumer and adds monetary value to the prepaid account of the subscriber;]
- (d) "consumer" means a consumer of a service provider to whom these regulations apply and includes its customer and subscriber;
  - (e) "Consumer Care Number" means a telephone number earmarked by the service provider to access its Complaint Centre;
  - (f) "electronic voucher" means a voucher in electronic form;
  - (g) "Licence" means a licence granted or having effect as if granted under Section 4 of the Indian Telegraph Act, 1885 (13 of 1885) or the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933);
  - (h) "monetary value" means the amount in rupees available to the pre-paid consumer through the "Top Up Voucher" <sup>6</sup>[or Combo Voucher];
- <sup>7</sup>[(ha) "Non-usage" means absence of an activity;]
- (i) "paper voucher" means a voucher in the printed form;
  - (j) "Plan Voucher" means a paper voucher or electronic voucher that enrolls a consumer into a tariff plan;
  - (k) "Premium Rate Service" or "PRS" means service for which charges are levied at rates higher than the rates applicable to the consumer as per his tariff plan;
  - (l) "regulations" means the Telecom Consumers Protection Regulations, 2012;
- <sup>8</sup>[(la) "Safe Custody Scheme" means the facility for protection from deactivation for non-usage of a cellular mobile telephone connection of

5. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

6. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

7. *Ins.* by Noti. No. 308-5/2011-QOS, dated 21-2-2013 (w.e.f. 22-3-2013).

8. *Ins.* by Noti. No. 308-5/2011-QOS, dated 21-2-2013 (w.e.f. 22-3-2013).

a postpaid consumer on the request of the consumer and on payment of specified amount;]

- (m) “service provider” means a licensee to whom these regulations apply;
- (n) “SMS” means a message which is sent through short message service and includes a multimedia message which is sent through Multimedia Message Service (MMS);
- (o) “Special Tariff Voucher” or “STV” means a paper voucher or electronic voucher, which on activation alters one or more items of applicable tariff in the consumer tariff plan <sup>9</sup>[\* \* \*] in terms of limited or unlimited usage of voice calls, SMS or data but does not provide any monetary value:  
10[\* \* \*]
- (p) “Start-Up Kit” or “SUK” means a kit or a packet containing items specified under sub-regulation (1) of Regulation 3;
- (q) “Tariff(s)” mean(s) rates and related conditions at which telecommunication services within India and outside India may be provided including rates and related conditions at which messages shall be transmitted to any country outside India, deposits, installation fees, rentals, free calls, usage charges and any other related fees or service charge;
- (r) “tariff plan” means the details of tariff applicable to all the telecommunication services offered by the service provider under a given plan;
- (s) “Top Up Voucher” means a paper voucher or an electronic voucher providing additional monetary value to the pre-paid consumer without any restriction in terms of validity or usage;
- (t) “Unified Access Services”—
  - (i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wired or wireless telegraphy;
  - (ii) refers to transmission of voice or non-voice messages over Licensee’s Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, except, Cell Broadcast which is permitted only to the subscribers of the service;
  - (iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;
- <sup>11</sup>[(ta) “USSD” or “Unstructured Supplementary Service Data” means a real-time or instant session based messaging services;]

9. The words “for a period not exceeding ninety days” omitted by Noti. No. 301-7(2)/2015-F&EA, dated 19-8-2016 (w.e.f. 19-8-2016).

10. Provisos Omitted by Noti. No. 301-7(2)/2015-F&EA, dated 19-8-2016 (w.e.f. 19-8-2016).

11. Ins. by Noti. No. 308-5/2011-QoS, dated 7-3-2012 (w.e.f. 9-3-2012).

- (u) "Value Added Services" means services which are offered to add value to the core services, the core services being voice calls, voice or non-voice messages and facsimile transmission;
- (v) "voucher" means a card or a coupon in printed or electronic form, which is offered, marketed and sold by a service provider to consumers for adding monetary value <sup>12</sup>[to the pre-paid account or for altering one or more item of the applicable tariff or both] for a pre-defined period or for subscription to a tariff plan;
- (w) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations and tariff orders made thereunder, shall have the meanings respectively assigned to them in the Act or the rules or other regulations or tariff orders, as the case may be.

## CHAPTER II

### PRESENTATION AND MARKETING OF VOUCHERS

**3. Start-up Kit.**—(1) Every service provider shall, within <sup>13</sup>[seventy-five days] from the date of issue of these regulations, ensure that a Start-Up Kit is provided to consumers at the time of enrolment into the network, containing, inter alia,—

- (a) SIM card, if applicable;
- (b) a mobile number, in cases where the subscriber is enrolled other than through mobile number portability;
- (c) information about the type of connection—pre-paid or post-paid;
- (d) information about Customer Care Number and General Information Number as specified under Regulations 3 and 4 of the Telecom Consumers Complaint Redressal Regulations, 2012;
- (e) abridged version of the <sup>14</sup>[Telecom Consumers Charter], as specified under Regulation 17 of the Telecom Consumers Complaint Redressal Regulations, 2012;
- <sup>15</sup>[(f) the details regarding deactivation of cellular mobile telephone connection due to non-usage.]

(2) The Start-Up Kit shall not contain any Plan Voucher or Special Tariff Voucher <sup>16</sup>[or Combo Voucher]:

<sup>17</sup>[Provided that the service provider may provide to a consumer a tariff plan as part of the Start-Up Kit and such tariff plan shall cease to apply to such consumer on activation of a Plan Voucher.]

12. Subs. for "to the pre-paid account or for altering one or more items of applicable tariff" by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).  
 13. Subs. for "forty-five days" by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).  
 14. Subs. for "Citizen's Charter" by Noti. No. 308-5/2011-QoS, dated 11-1-2012 (w.e.f. 12-1-2012).  
 15. Ins. by Noti. No. 308-5/2011-QOS, dated 21-2-2013 (w.e.f. 22-3-2013).  
 16. Ins. by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).  
 17. Ins. by Noti. No. 308-5/2011-QoS, dated 7-3-2012 (w.e.f. 9-3-2012).

**4. Vouchers.**—(1) Every service provider shall, within <sup>18</sup>[seventy-five days] from the date of issue of these regulations, ensure that only the following vouchers are offered or marketed or sold to the consumers, namely—

- (a) Plan Voucher;
- (b) Top Up Voucher; <sup>19</sup>[\* \* \*]
- (c) Special Tariff Voucher; <sup>20</sup>[and]
- <sup>21</sup>[(d) Combo Vouchers.]

Provided that the Authority may specify any other category of vouchers.

(2) Every service provider shall ensure that—

- (a) a Plan Voucher—
  - (i) is used only to enrol a consumer into a tariff plan;
  - (ii) does not provide any monetary value;
  - (iii) if offered in the form of paper voucher, the information about the tariff plan is printed in font size of not less than eight points;
  - <sup>22</sup>[(iv) is not offered in denominations of ten rupees and multiples thereof.]
- (b) a Top Up Voucher—
  - (i) offers only monetary value expressed in rupees;
  - (ii) does not have any restriction on its validity or usage;
  - (iii) if offered in the form of paper voucher, the information about the Maximum Retail Price (MRP), processing fee, applicable tax and net value available to the consumer is printed in font size of not less than eight points;
  - (iv) does not contain any administrative or processing fee beyond the ceiling specified by the Authority;
  - <sup>23</sup>[(v) is offered only in denominations of ten rupees and multiples thereof.]
- (c) a Special Tariff Voucher—
  - (i) clearly indicates the plan to which it is applicable;
  - (ii) clearly indicates the tariff for different items;
  - <sup>24</sup>[(iii) clearly indicates the validity period of the voucher which shall not exceed ninety days:

Provided that the service provider may offer a voucher exclusively for data with validity period not exceeding three hundred sixty-five days:

Provided further that the Special Tariff Voucher for SMS or data, having validity of more than seven days, may be

18. *Subs.* for “forty-five days” by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).

19. The word “and” *omitted* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

20. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

21. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

22. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

23. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

24. *Subs.* by Noti. No. 301-7(2)/2015-F&EA, dated 19-8-2016 (w.e.f. 19-8-2016).

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 also that no Special Tariff Voucher shall be renewed after its tariff has been revised.]

- (iv) is offered on a standalone basis and does not provide any additional monetary value to the consumer; and
- (v) if offered in the form of paper voucher, information about the features, including activation restrictions, are printed in font size of not less than eight points.

<sup>25</sup>[(vi) is not offered in denominations of ten rupees and multiples thereof.]

<sup>26</sup>[(d) a Combo Voucher—

- (i) clearly indicates the tariff plan to which it is applicable;
- (ii) clearly indicates tariff for different items with their validity;
- (iii) clearly indicates the monetary value available in the combo voucher and restrictions, if any, on its validity or usage;
- (iv) clearly indicates, in all publications and promotion materials, the availability of standalone top-up vouchers;
- (v) is not offered in denominations of ten rupees and multiples thereof; and
- (vi) If offered in the form of paper voucher, information about the features including activation restrictions, are printed in font size of not less than eight points.]

(3) Every service provider shall ensure that Plan voucher and Top Up Voucher are marketed only as 'Plan voucher' and 'Top Up Voucher' respectively, whereas the Special Tariff Voucher <sup>27</sup>[or Combo Voucher] can be marketed under any name of its choice.

**5. Colour band on paper vouchers.**—(1) Every service provider shall, within <sup>28</sup>[seventy-five days] from the date of issue of these regulations, ensure that for easy identification by the consumers, paper vouchers are printed in the following colour band—

- (a) red colour band for Plan Voucher;
- (b) green colour band for Top Up Voucher; <sup>29</sup>[\* \* \*]
- (c) yellow colour band for Special Tariff Voucher; <sup>30</sup>[and]
- <sup>31</sup>[(d) blue colour band for Combo Vouchers.]

25. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

26. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

27. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

28. *Subs.* for "forty-five days" by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).

29. The word "and" omitted by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

30. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

31. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).



(2) Every service provider shall print the colour band specified in sub-regulation (1), on the reverse side of the paper voucher, horizontally stretching from one end to the other end in a clearly visible manner.

### CHAPTER III INFORMATION TO CONSUMERS

**6. Information to pre-paid consumers on activation of a voucher.**—Every service provider shall, within <sup>32</sup>[seventy-five days] from the date of issue of these regulations, immediately on activation of a voucher, provide through SMS to the pre-paid consumer the following information—

- (a) on activation of Plan Voucher—
  - (i) title of the plan; and
  - (ii) validity period of the plan;
- (b) on activation of Top Up Voucher—
  - (i) total amount charged;
  - (ii) processing fee or administration charge as the case may be;
  - (iii) taxes deducted;
  - (iv) net monetary value added; and
  - (v) total available monetary value;
- (c) on activation of Special Tariff Voucher—
  - (i) total amount charged;
  - (ii) validity period of the voucher; and
  - (iii) benefits specific to the voucher.
- <sup>33</sup>(d) on activation of a Combo Voucher—
  - (i) total amount charged;
  - (ii) benefits specific to the voucher;
  - (iii) validity period of the specific benefits;
  - (iv) net monetary value added; and
  - (v) restrictions, if any, on usage or validity period of monetary value.]

**7. Information to pre-paid consumers relating to usage.**—Every service provider shall, within <sup>34</sup>[seventy-five days] from the date of issue of these regulations, immediately on making any deduction from the account of a pre-paid consumer, provide through SMS <sup>35</sup>[or USSD], the following information—

- (a) after every call,—
  - (i) duration of the call;
  - (ii) charges deducted for the call;
  - (iii) balance in the account; and
  - (iv) in case of Special Tariff Voucher, minutes of usage deducted and balance minutes of usage available;

32. *Subs.* for “forty-five days” by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).

33. *Ins.* by Noti. No. 308-5/2011-QOS, dated 22-10-2012 (w.e.f. 21-11-2012).

34. *Subs.* for “forty-five days” by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).

35. *Ins.* by Noti. No. 308-5/2011-QoS, dated 7-3-2012 (w.e.f. 9-3-2012).

- (b) after every session of data usage over mobile,—
  - (i) quantum of data usage;
  - (ii) charges deducted; and
  - (iii) the balance in the account;
- (c) after activation of any service including Value Added Service,—
  - (i) amount deducted;
  - (ii) purpose for which the amount has been deducted;
  - (iii) balance in the account; and
  - (iv) the validity period of the Value Added Service.

Provided that the provisions of this regulation shall not apply to a consumer if he is outside his service area.

**8. Past Usage details in respect of pre-paid mobile connections.**—Every service provider shall, within <sup>36</sup>[seventy-five days] from the date of issue of these regulations, on request from any pre-paid consumer, provide to such consumer at reasonable cost, within a time period of thirty days of receipt of such request, information relating to—

- (a) itemized usage charge for all calls;
- (b) number of SMS sent and the amount charged for such SMSs;
- (c) Value Added Services availed and the amount charged for such service;
- (d) Premium Rate Service availed and the amount charged for such service;
- (e) roaming charges;

Provided that it shall not be obligatory on the part of the service provider to provide information for any period beyond the period of six months preceding the date of request.

*Explanation.*—For the purposes of this regulation, “reasonable cost” means charges not exceeding Rupees Fifty or charges payable by the post-paid consumers of the same service provider for obtaining similar information, whichever is lower.

**9. Establishment of facility for providing information about the account of the consumer.**—Every service provider shall, within <sup>37</sup>[seventy-five days] from the date of issue of these regulations, establish or allot a separate toll free short code to enable the consumers to seek, through SMS, the following information—

- (a) tariff plan opted by the consumer including,—
  - (i) rates for local and long distance (STD) calls, and differential charges, if any, applicable for on-net and off-net usage;
  - (ii) rates for SMS;
  - (iii) rates for data service;
- (b) balance available in the account of the pre-paid consumer; and
- (c) Value Added Services activated on his telephone number;

36. Subs. for “forty-five days” by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).

37. Subs. for “forty-five days” by Noti. No. 308-5/2011-QoS, dated 21-2-2012 (w.e.f. 27-2-2012).

<sup>38</sup>[\* \* \*]

**10. Premium Rate Service and Value Added Service.**—(1) Every service provider providing or giving access to a Premium Rate Service shall ensure that the rate of such call is conveyed to the consumer through a voice alert prior to the materialisation of the call;

Provided that the voice alert shall be in English and the local language of the service area.

(2) Every service provider shall, on activation of a value added service, inform the consumer, through SMS, the validity period of such service, the charges for renewal and the procedure for the consumer to unsubscribe from the service.

<sup>39</sup>**[10-A. Information to consumers on data usage.**—(1) Every service provider shall, through SMS or USSD, provide to all consumers of the Cellular Mobile Telephone Service on whose mobile phone data services are activated, except those consumers who have availed data service through special tariff vouchers or combo vouchers or add-on pack or under a tariff plan which provides for free or discounted tariff in the tariff plan for usage of data upto a certain limit, after every ten megabytes of data used by the consumer, the quantum of data used during a session:

Provided that there shall be no obligation on the service provider to provide the quantum of data used during a session, if the consumer opts not to receive such information by sending an SMS “NO INFO” to short code 1925.

*Explanation I.*—Discounted tariff means the rate for data service which is lower than the regular tariff for such service in the plan applicable to the consumer.

*Explanation II.*—Add-on-pack is an offer which on subscription by the post paid consumer, alters one or more items of the tariff plan.

(2) Every service provider shall, through SMS or USSD, provide to all consumers of the Cellular Mobile Telephone Service, who have availed data service through Special Tariff Voucher or Combo Voucher or addon pack or under a tariff plan which provides for free or discounted tariff for usage of data upto a certain limit, an alert each time, immediately,—

(a) on consumption of—

(i) fifty percent of data;

(ii) ninety percent of data; and

(iii) one hundred percent of data,—

available in the account of the consumer; or

(b) when the quantum of data available in the account of the consumer reaches—

38. Omitted by Noti. No. 301-20/2020-F&EA., dated 30-9-2020 (w.e.f. 30-9-2020+30 days). Prior to omission it read as:

“Provided that it shall not be obligatory on the part of the service provider to provide information to a consumer who is roaming outside the country.”

39. Ins. by Noti. No. 308-1/2015-QoS., dated 7-8-2015 (w.e.f. 1-11-2015).

- (i) five hundred megabytes;
- (ii) one hundred megabytes; and
- (iii) ten megabytes.

(3) After the consumer, referred to in sub-regulation (2), has consumed ninety percent of the data or the quantum of data available in his account reaches ten megabytes, the service provider shall provide to the consumer, through SMS or USSD, the details of tariff applicable on usage of data beyond the quantum of data available in the account of the consumer.

(4) <sup>40</sup>[\* \* \*].]

<sup>41</sup>[**10-B. 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:

Provided that nothing contained in this sub-regulation shall apply for usage of data service through Special Tariff Voucher or Combo Voucher or add-on pack till the expiry of the validity period of such voucher or add-on pack, or on consumption of entire data by the consumer, whichever is earlier.

(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 request and consent of the consumer for activation or deactivation of data service shall be obtained in accordance with the procedure specified in Schedule-III.

(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, within thirty days from first day of September two thousand and fifteen and at periodic interval not exceeding six months, informing him about the procedure for deactivation of data service specified in Schedule-III.]

#### <sup>42</sup>[CHAPTER IV

### DEACTIVATION OF CELLULAR MOBILE TELEPHONE CONNECTION DUE TO NON-USAGE

**11. Deactivation of cellular mobile telephone connection of pre-paid consumer due to non-usage.**—Subject to provision of Regulation 12, every service provider shall ensure that no cellular mobile telephone connection of a

40. Omitted by Noti. No. 301-20/2020-F&EA., dated 30-9-2020 (w.e.f. 30-9-2020+30 days). Prior to omission it read as:

“(4) Every service provider shall, through SMS or USSD, provide to all consumers of the Cellular Mobile Telephone Service, having international roaming facility on their mobile connection, an alert, immediately after the consumer roams outside the territory of India, advising the consumer to deactivate the data services in his mobile phone if he does not intend to use data services while roaming outside the country.”

41. Ins. by Noti. No. 308-1/2015-QoS., dated 7-8-2015 (w.e.f. 1-9-2015).

42. Ins. by Noti. No. 308-5/2011-QOS, dated 21-2-2013 (w.e.f. 22-3-2013).

prepaid consumer is deactivated for non-usage, for a minimum period of ninety days or such longer period as may be specified by the service provider.

**12. Automatic Number Retention scheme for pre-paid consumers.—**(1) No service provider shall deactivate the cellular mobile telephone connection of a pre-paid consumer for non-usage if an amount exceeding twenty rupees or such lesser amount, as may be specified by the service provider, is available in the account of such consumer:

Provided that the service provider may deduct an amount not exceeding twenty rupees, as may be specified by the service provider, from the pre-paid account of the consumer for extension of period of non-usage beyond ninety days.

(2) Upon deduction of the amount mentioned in sub-regulation (1), the non-usage period of the cellular mobile connection of the consumer shall be extended by a further period of thirty days and this process shall be repeated till such time the minimum amount exceeding twenty rupees or such lesser amount, as may be specified by the service provider under sub-regulation (1), is available in the account of the consumer.

(3) If a consumer performs an activity during the extended period of non-usage, he shall be entitled for a fresh period of non-usage of ninety days or such longer period as may be specified by the service provider.

**13. Safe Custody scheme for post-paid consumers.—**(1) Every service provider shall implement a safe custody scheme for postpaid consumers.

(2) No service provider shall deactivate the cellular mobile telephone connection of a post-paid consumer for non-usage if such consumer makes a request for safe custody of his telephone connection and makes payment of an amount not exceeding one hundred fifty rupees for every three months or part thereof, as may be specified by the service provider.

(3) The service provider shall not charge monthly rental from the consumer during the period of safe custody of the cellular mobile telephone connection.

(4) If the post-paid consumer of the cellular mobile telephone connection has made payment of advance rent for a specified period, the service provider shall not deactivate the mobile connection of such consumer on the ground of non-usage during the period for which advance rent has been paid.

(5) If the consumer of cellular mobile telephone connection makes a request for restoration of his mobile connection during the period of safe custody, the service provider shall, within twenty-four hours of receipt of request, restore his mobile connection.

**14. The grace period for reactivation.—**(1) The cellular mobile telephone connection of a consumer deactivated for non-usage shall not be allocated to any other consumer till the expiry of a minimum period of fifteen days or such longer period, as may be specified by the service provider, from the date of deactivation and during such period the consumer can get his mobile connection reactivated by

making payment of an amount not exceeding twenty rupees, as may be specified by the service provider.

**15. Communication of information to the consumer.**—(1) Every service provider shall communicate to the consumers, in a transparent manner, the following information—

- (a) the period of non-usage after which the mobile connection of the consumer is liable to be deactivated;
- (b) the details of the activities, the absence of which shall amount to non-usage;
- (c) the details of Automatic Number Retention scheme;
- (d) the details of Safe Custody scheme; and
- (e) the grace period for reactivation of the cellular mobile telephone connection.

(2) The information mentioned in sub-regulation (1) shall be intimated to the consumer through—

- (a) Start-up Kit and Customer Acquisition Form;
- (b) tariff leaflets or brochures, if any;
- (c) display on the website, retail points of sale and complaint centres of the service provider;
- (d) publication in one English and one regional language newspaper every six months along with the tariff published under direction F. No. 301-14/2010-ER, dated the 16th January, 2012; and
- (e) SMS within ten days from the date of commencement of these regulations and every six months thereafter.

(3) Every service provider shall, immediately on deduction of an amount under Regulation 12, provide to the consumer through SMS the following information—

- (a) the amount deducted;
- (b) the purpose for which the deduction is made; and
- (c) the balance amount available in the pre-paid account of the consumer.]

#### <sup>43</sup>[CHAPTER V

#### RELIEF TO CONSUMERS FOR CALL DROPS]

**16. Measures to provide relief to consumers.**—Every originating service provider providing Cellular Mobile Telephone Service shall, for each call drop within its network,—

- (a) credit the account of the calling consumer by one rupee:

Provided that such credit in the account of the calling consumer shall be limited to three dropped calls in a day (00:00:00 hours to 23:59:59 hours);

43. *Ins. by Noti. No. 301-23/2015-F&EA, dated 16-10-2015 (w.e.f. 1-1-2016).*

- (b) provide the calling consumer, through SMS/USSD message, within four hours of the occurrence of call drop, the details of amount credited in his account; and
- (c) in case of post-paid consumers, provide the details of the credit in the next bill.]

#### 44[CHAPTER VI

### MEASURES TO PROTECT CONSUMERS FROM BILL SHOCKS WHILE USING INTERNATIONAL MOBILE ROAMING SERVICE

**17. Default status of international mobile roaming service.**—Every service provider shall ensure that the international mobile roaming service is inactive by default for all consumers and shall be activated only on the request of a consumer and once activated, it may be deactivated at any time on the request of the consumer.

Provided that in case of existing consumers, specific choice of every consumer to continue with or to discontinue the activated international mobile roaming service, if applicable, may be obtained through SMS, email or mobile application, if available within thirty days from the date of publication of these regulations in the Official Gazette.

**18. Information to consumers on activation of international mobile roaming service.**—Every service provider shall, immediately on activation of international mobile roaming service, provide to the consumer, through SMS, email and mobile application, if available, the following information—

- (i) the fact of activation of international mobile roaming service; and
- (ii) the applicable tariff (if any) for the activation of international mobile roaming service (one-time charges as well as recurring charges as may be applicable).

**19. Information to consumers on selection of tariff.**—Every service provider shall, immediately on selection of a tariff for availing international mobile roaming service for visiting country(ies), provide to the consumer through SMS, email and mobile application, if available, the following information—

- (i) the applicable rates for provision of voice, SMS and data services while roaming internationally; and
- (ii) the details of specific carriers (visiting country operators) required to be selected, if applicable, for availing the agreed tariff and consequences of any failure in this regard; and
- (iii) a list of actions to be performed by the consumer to avoid bill shocks while using international mobile roaming service; and
- (iv) the details of consumer protection policies in place for protecting the consumer from bill shocks while using international mobile roaming service: or
- (v) an URL to the relevant details as in (i) to (iv) above from which printable and saveable file (s) can be accessed and downloaded.

44. *Ins. by Noti. No. 301-20/2020-F&EA., dated 30-9-2020 (w.e.f. 30-9-2020+30 dasy).*

**20. Information to consumer as soon as the mobile equipment is switched on by the consumer in the visiting country.**—Every service provider shall, immediately after the consumer switches on his mobile equipment in the visiting country,—

- (a) provide to the consumer all the information and in the manner as specified in regulation 19;
- (b) alert and advise the consumer, through SMS, in case the consumer has not subscribed to any specific International Mobile Roaming Tariff Pack offered by the service provider, regarding the possibility of incurring significantly high charges due to usage of voice, SMS or data services at standard rates.

**21. Information to consumers at different stages of exhaustion of entitled data usage while roaming internationally as per the selected tariff.**—Every service provider shall, through SMS, email and mobile application, if available, provide an alert, when the data usage exceeds fifty per cent, eighty per cent, ninety per cent and one hundred per cent of the data entitlement.

**22. Information to the consumer who may initiate use of international mobile roaming service in a country or area not covered by the tariff subscribed or where the applicable tariff differs from the subscribed tariff.**—Every service provider shall, in case a consumer initiates use of international mobile roaming service in a country or area not covered by the tariff subscribed or where the applicable tariff differs from the subscribed tariff, through SMS, email and mobile application, if available,—

- (a) inform the consumer of the fact of movement in a zone which is not covered under the opted tariff;
- (b) alert and advise the consumer regarding the possibility of incurring significantly high charges due to usage of voice, SMS or data services at standard rates; and
- (c) Provide the consumer, details of tariff applicable in such uncovered zone.

**23. Establishment of facility for providing information about the account of the consumer while roaming internationally.**—Every service provider shall, establish or allot a separate toll free short code to enable the consumers to seek, through SMS, while roaming internationally, the following information—

- (i) the applicable tariff for international mobile roaming service; and
- (ii) the amount billed or charged to the account of the consumer, for international mobile roaming service.]

<sup>45</sup>[**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

45. *Ins.* by Noti. No. 308-3/2012-QoS, dated 3-12-2013 (w.e.f. 15-1-2014).



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.

## 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;

*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 email, 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.]

#### <sup>46</sup>[SCHEDULE III

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

(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 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, within four hours and that he shall receive an 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 an 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

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46. *Ins. by Noti. No. 308-1/2015-QoS., dated 7-8-2015.*

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 request 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, as the case may be, has been received and the service shall be activated or deactivated within four hours and that he shall receive an 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.]

### EXPLANATORY MEMORANDUM

1. The fast growth of mobile subscribers, increasing telecom penetration in rural and remote areas and launch of innovative value added services by service providers underline the continued need to protect the interest of consumers. As part of its sustained efforts to address the needs of the consumers, TRAI had initiated a consultation process to review various measures already in place and to evolve appropriate further measures to safeguard the interest of consumers by issuing a Consultation Paper "Review of Measures to Protect Interest of Consumers in the Telecom Sector" on 2nd August, 2010. Comments were received from various stakeholders and these were uploaded on TRAI website.

2. Notwithstanding the several steps taken in the past by TRAI with a view to enhance transparency in tariff offers, the Authority continues to receive complaints and representations from consumers and their representatives allege lack of effective transparency and resultant confusion for subscribers due to the multiplicity of tariff plans of various nature available in the market. In order to further improve transparency, TRAI had issued a Consultation Paper on "Certain issues relating to Telecom Tariff" on 13.10.2010 seeking the comments of stakeholders on various issues including protection of consumer interests. Comments received from various stakeholders were uploaded on TRAI website. Open House Discussions on both the consultation papers were held at five locations - Jaipur, Mumbai, Chennai, Lucknow and Kolkata.

3. Certain important issues relating to information to be provided immediately on completion of call to pre-paid subscribers, information to be provided after recharging a pre-paid connection, information about itemized usage charges on request, challenges faced by subscribers in understanding tariff plans and measures required to improve transparency were raised during the consultation process. Based on the comments received during public consultation and keeping in view the interests of telecom consumers and service providers, the Authority had prepared a draft Telecom Consumers Protection Regulations, 2011, which was published on TRAI website on 4th July, 2011. These Telecom Consumers Protection regulations are finalised after consideration of the comments received on the draft regulations. The salient provisions of these regulations are discussed below:

#### Provisions Relating to Vouchers:

4. The Consultation Paper on "Certain issues relating to Telecom Tariff" had inter-alia sought the comments of stakeholders on various challenges faced by pre-paid subscribers and also on measures to

enhance the transparency in service provision. Some of the stakeholders had suggested standardisation of tariff plans and various vouchers (recharges) offered in the market.

5. The Authority analysed the situation prevailing in the market in the light of comments received during the consultation process. On account of increased competition, the service providers offer a large number of Special Tariff Vouchers (STV). The components of these vouchers vary vastly. At present, often Top Up vouchers besides providing monetary value, also contain certain other benefits like - night minutes, free SMS, on-net minutes etc. Sometimes, these extra benefits, which may also restrictions, are not of any use to the pre-paid consumers purchasing the top up voucher. Marketing of such products is not done in a fully transparent manner resulting in some consumers buying the Top Up voucher without knowing the inherent restrictions. As a result, the consumer is not able to make effective use of the extra benefits despite paying an extra cost in lieu of such benefits. He, therefore, ends up having to forfeit some monetary value after expiry of the prescribed validity period for the extra benefits of which he may not be aware. A large number of pre-paid consumers being of average or below average income, loss of any monetary value causes distress. This issue therefore, assumes importance from the perspective of transparency to consumer protection.

6. In view of the above situation prevailing in the market, and in the interest of consumers, the Authority has decided to streamline and standardise the vouchers offered by the Service Providers, so as to provide clarity and transparency and help the consumers in better understanding the nature of various vouchers.

7. Additionally, through these regulations, the Authority has mandated that at the time of enrolling a new subscriber, the service providers shall provide him a Start-Up Kit (SUK) containing, among others, the SIM card, where such connection is intended to be provided through a SIM, mobile number (if the customer is not enrolled through mobile number portability), the monetary value available, if any, information about type of connection viz. post-paid or pre-paid connection, information about Customer Care Number and General Information Number and a copy of the abridged version of the Citizen's Charter for Consumers' Education. The Customer Care Number and General Information Number as well as the Citizen's Charter have been mandated under the Telecom Consumers Complaint Redressal Regulations, 2012. Henceforth, the Start-Up Kit will not have a tariff plan.

8. A person who intends to take a new connection need to activate a Plan Voucher for enrolling into a tariff plan. The Plan voucher does not add any monetary value to the subscriber's account. Similarly, an existing consumer who wants to change his tariff plan to another tariff plan on offer also has to activate a Plan Voucher for the purpose. Once enrolled into the network of a service provider and having subscribed to a tariff plan, the next requirement of a pre-paid consumer is limited to acquiring additional monetary value by way of buying a Top Up voucher. The Top up voucher adds monetary value in rupees to the subscriber's account and can be used as per the convenience of the consumer, without any restriction in terms of validity period or usage. The Top Up Voucher shall contain only monetary value and no other benefit. Further, no other Voucher, namely, STV and Plan Voucher shall add any monetary value component to the subscriber's account.

9. The Special Tariff Vouchers (STVs) are intended to provide tariff benefits to the subscriber who desires to avail of the benefits of the STV altering one or more of the tariff components. It is open to a subscriber to purchase a STV at any time to avail of any benefits that the service provider may offer. But, the STV will not have the effect of adding monetary value available to the subscriber's account. The STV having a time limit, not exceeding 90 days, has necessarily to be used within the stipulated time failing which the balance available in the STV will lapse. The changes in tariffs effected through STVs are only for the period specified in the STV. After expiry of the specified period, the free or concessional usage ceases to exist and the rates of the relevant tariff plan of the consumer becomes applicable.

**Colour band and font size on paper vouchers:**

10. Currently, different combinations of tariff packs are available in the market and the consumers have difficulty in identifying these packs and their benefits. Several stakeholders have alleged non-transparency of tariffs on the part of service providers, resulting in unintended activation of certain packs. With a view to facilitating easy identification by the consumers, the regulations now specify a colour band code on the reverse of the vouchers to distinguish different types of vouchers. A major concern of the consumers regarding size of the letters giving details of the plan, MRP, net monetary value available on the voucher etc. has been addressed by the Authority by prescribing the printing of information on the paper voucher in font size of not less than eight points.

**Information to pre-paid customers on activation of vouchers:**

11. During the consultation process, several stakeholders referred to the non-provision of details like total amount available in the subscriber's account, details of the tariff plan and the deductions made on account of taxes and administrative charges after activation of vouchers. Consumer organisations have suggested that provision of complete information to customers would make the system more transparent, leading to better customer satisfaction. After considering various suggestions in this regard, the Authority has mandated the provision of various details to the pre-paid subscriber as listed in Regulation 6.

12. Additionally, these regulations also provide for allotment of a separate Toll Free Short Code by the service provider to enable its consumer to access information relating to his tariff plan, available balance in his account and details of any Value Added Service activated on his telephone number.

**Information to pre-paid customers relating to usage:**

13. At present, about 96% of the consumers are in the pre-paid category and unlike post-paid consumers, the pre-paid consumers do not get any bills for their usage and the amount charged. During the consultation process, concerns were expressed by consumers that some of the service providers are not providing the information like last call duration, call charge, validity period, account balance etc. Most of the stakeholders were of the view that such information should be provided to a pre-paid subscriber, immediately on completion of every call, so that he can verify the correctness of the amount deducted from his account and also regulate his usage. Accordingly, the present regulations have mandated that the service provider shall, immediately on making any deduction from the account of a pre-paid consumer, provide the information through SMS, relating to the subscriber's usage for all calls and data.

14. Unlike post-paid subscribers, a pre-paid subscriber does not have the facility to get itemised details of his usage. In the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, the Authority had mandated that on request from any pre-paid subscriber, the service provider shall supply to the subscriber, at a reasonable cost, not exceeding Rs. 50, the information relating to the itemised usage charges for any period falling in the preceding six months. During the consultation process, several stakeholders opined that a time limit should be prescribed within which the service provider should provide the information. Accordingly, these regulations have prescribed a period of thirty days for providing itemised usage details by the service provider.

**Premium Rate Service and Value Added Service:**

15. Access to Premium Rate Services [PRSs] is generally through special numbers and is charged at rates higher than the normal call rates. During the consultation process, some of the stakeholders expressed concern that a consumer while accessing such PRS is unaware of the call charges and realises the same after the amount is deducted from his account. Similarly, in case of Value Added Services, information regarding its validity, charges and the method to unsubscribe is generally not known. In order to ensure that a consumer is aware of the charges payable for availing such services, the regulations prescribe that in case of PRS, the consumer should be informed of the charges for such service before materialisation of the call and in case of value added service, he should receive,

before activation of such service, information about the charges, validity period and the procedure to unsubscribe from the service.

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Handwritten text and a stamp on the right margin, including a circular official seal and the word "UNSUBSCRIBED" written vertically.