

310-5(2)/2005-Eco.

Dated: 12<sup>th</sup> September 2005

To:

All Internet Service Providers

(As per list attached),

ISPAL.

**Subject: TRAI's Direction on Value Added Services.**

The Authority had issued a Direction on 3/5/2005 making it mandatory for all Cellular Mobile Service Providers and Unified Access Service Providers to obtain explicit consent of the subscribers before providing any chargeable Value Added Service. Instances have now come to notice that the Internet Service Providers (ISPs) are also charging for value additions without obtaining explicit consent of the customer. For example, certain value additions in the form of 'unlimited access' at a monthly fee was activated to all dial-up customers with the condition that unless the customer calls the Customer Care of the operator on a specific number and un-subscribes the service, the monthly charge gets automatically applicable.

2. In the cases as cited above, the onus of declining the chargeable service is put on the customer. There could be a possibility that in case the customer fails to un-subscribe for the service due to any reason, he starts getting charged without his concurrence. This amounts to offering and charging for a 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 Internet Service Providers that no chargeable service or optional packs shall be provided to a customer without his explicit consent and any service, which was earlier being provided free of charge, shall not be made chargeable without the explicit consent of the customer.

( M.Kannan )  
Advisor (Eco.)