

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

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New Delhi, Dated the 7th September, 2012

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 (24 of 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 the interests of consumers of telecommunication service;

2. And whereas the Authority has received complaints from the consumers of the Cellular Mobile Telephone Service and has also noted from the newspaper reports that the consumers are receiving missed calls from international telephone numbers, which are often premium numbers charging high tariff, prompting the consumers to make call on such numbers and the consumers without realising that these are international numbers charging premium rates make calls unknowingly paying his ISD tariff;

3. And whereas the Authority held meetings with Access Service Providers and International Long Distance Providers on the 25th October, 2011 and the 7th February, 2012 to discuss the problem of missed calls from international numbers and to find out the measures to protect the interest of the consumers, and the Authority noted the suggestions received during the said meetings;

4. And whereas the Authority, vide its letter No.308-11/2010-QoS dated 13th February, 2012, desired that all International Long Distance Operators and all Access Service Providers to deliberate upon the suggestions made in the meeting held on 7th February, 2012, and the Authority, vide its letter No.308-11/2010-QoS, dated 5th March, 2012, requested all International Long Distance Operators and all Access Service Providers to submit their comments on the said suggestions to the Authority by 12th March, 2012;

5. And whereas the Authority considered the suggestions received from the service providers during the meetings held on 25th October, 2011 and 7th February, 2012 and also the comments received from the service providers in response to the letter dated 5th March, 2012, and to protect the interest of the consumers has decided to issue direction to the service providers to take measures to address the problem of missed international calls;

6. Now, therefore, in exercise of powers conferred upon the Authority 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, the Authority hereby directs all the 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.

(A. Robert J. Ravi)
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