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भारत संचार निगम लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT SANCHAR NIGAM LIMITED

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VAS-13/CVPS/Misc-2014

Dated: 19th June, 2015

To,
All CGM Telecom Circles/Telecom Districts
Sr. GM (CMTS)/ GM (CMTS), Nodal Center Chandigarh/ Kolkata/Pune/Trichy

Subject: Revision of guidelines for imposing penalties in case of forced activations-regarding

Reference No.: VAS-29/CVPS cum CG-Pyro-2013 dated 16th April, 2015

The issue of second consent on pay per use service was deliberated in this office considering the various regulations issued by TRAI and industry practices being followed for the same. Accordingly, vide above referenced letter dated 16th April, 2015 this office issued instructions for removal of second consent on Pay Per Use (PPU) Services. However, later this office received various communications from Zones, wherein it was brought to the notice of this office that some of the VASPs are misusing this feature and complaints of forced activation are being received in field units.

In this regard, also refer to the letter No. 200-49/2005-NS(pt) dated 21.06.2013 issued by this office wherein an interim penalty policy for forced activation was issued as commissioning of CVPS cum CG platform was still under process.

In view of the fact that now CVPS cum CG platform has been put in place and the system has now stabilized and the issue of forced activation complaints in PPU services needs immediate attention, requirement of putting in place revised penalty guidelines was deliberated in this office.

Meanwhile, West Zone, CMTS nodal suggested a policy framework for regulating the PPU services to avoid the cases of forced activation. The same was examined and based on recommendations of West Zone following has been decided by the competent authority for promoting/activation of PPU services:

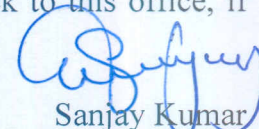
1. No chargeable URL will be promoted to customer for PPU services without the prior approval of Zones. GM (VAS), CMTS Nodal will be competent authority to approve the URL to be promoted by VASPs.
2. If the PPU service forced activation/complaints are below 25 against the VASP in a month in a zone, the penalty will be 6 times of EUP multiplied by number of complaints received in that month.

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3. If it is between 25 to 50 in a zone, it will be 100 times of EUP multiplied by number of complaints received in that month.
4. Beyond 50 complaints against the VASP in a zone in a month, the second consent will be implemented for that VASP for all PPU services in that zone for 90 days. On 2nd instance of getting more than 50 complaints, second consent will be implemented for that VASP for all PPU services in that zone for six months. However, in the 3rd occasion of getting more than 50 complaints 2nd consent for all PPU services in that zone will be implemented forever for that VASP.
5. No separate money is to be recovered from VASP in lieu of amount to be refunded to customer against forced activation and no revenue share shall be payable to VASP on the amount received from forced activation.
6. The complaints received from Call Center, FAX, Email etc by BSNL official/agents will be treated final and there will be no need to reconcile BSNL logs with logs of VASP. However, confirmation from CVPS regarding charging/activation of service may kindly be obtained before treating the same as complaint.
7. In case of any penalty by TRAI or any other authorized entity, concerned VASP shall be completely and solely responsible for the act and shall indemnify BSNL against such penalties, if any, levied due to improper activation of PPU services.
8. The cases where second consent is supposed to be taken by CVPS cum CG platform vendor, provision of penalty as mentioned in the CVPS cum CG agreements may kindly be followed.

The above guidelines will be applicable for all PPU services including WAP services and are being issued in supersession of all earlier instructions/guidelines issued from time to time. The VASPs are required to give their consent for acceptance of above guidelines to concerned Sr. GM/GM(VAS), CMTS Nodal(s), within 15 days of issue of this letter failing which second consent shall be implemented for that VASP immediately.

The above guidelines have been issued with the objective to avoid the cases of forced activations without impacting the revenue from PPU services. Zones/Circles may examine the above guidelines and may give their to the point suggestions/feedback to this office, if any.


Sanjay Kumar
DGM (VAS-I)

Copy to:

1. Director (CM)/Director (Fin) BSNL Board – for kind information please.
2. Sr.GM (NWO) CM/ GM (Regulation)/GM(S&M) CM, BSNL Corporate office.
3. All VAS Providers.