

**TELECOM REGULATORY AUTHORITY OF INDIA**

**Mahanagar Doorsanchar Bhawan**

**Jawaharlal Nehru Marg (Old Minto Road)**

**New Delhi - 110002**

**New Delhi, the 18<sup>th</sup> September 2020**

**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, on tariff advertisements.**

**F. No. 301-16/2019-F&EA** — 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 protect the interests of service providers and consumers of the telecom sector and to promote and ensure orderly growth of the telecom sector;

2. And whereas, in accordance with section 11 (2) of the TRAI Act, 1997, the Authority may notify the rates at which the telecom services within India and outside shall be provided;

3. And whereas, the Authority has adopted the policy of forbearance in the matters of tariffs except for a few specified tariffs; the flexibility provided to the service providers is subject to compliance with regulatory provisions viz., publication of tariffs by the service providers in a manner as may be directed, compliance of requirements of reporting tariffs to the Authority, the Authority's right to intervene and modify any tariff and requirement of tariffs to be in compliance with regulatory principles of tariff assessment viz., transparency, non-predation and non-discrimination etc.;

*Kaushal*  
18/09/20.

4. And whereas, transparency in communication of tariff by the service providers to the consumers is considered as the prerequisite to achieve the objective of protection of consumer interests and to ensure orderly development of the telecom sector. The transparent access to critical information not only helps the consumers to make informed decision but also helps to maintain and promote competition, which is vital for orderly growth and development of the sector;

5. And whereas, Clause 9 of the Telecom Tariff Order, 1999 requires, that,

*"Tariffs to be charged by service providers from subscribers for telecommunication services along with the conditions thereof shall be published in such manner as the Authority may from time to time direct."*

6. And whereas, the Authority in exercise of the powers conferred upon it 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 and Clause 9 of the Telecommunication Tariff Order, 1999 issued direction No. 301-14/2010-ER. dated 26<sup>th</sup> March, 2012, *inter-alia*, specifying the requirements to be complied by all Telcom access service provider while disseminating tariff related information;

7. And whereas, the Authority, vide the aforesaid directions required the service providers to ensure that all tariff advertisements contain the website address and customer care number of the telecom service provider to enable the customer to obtain any information pertaining to the Tariff Plan;

8. And whereas, the Authority issued the Telecommunication Tariff (Sixty Third Amendment) Order, 2018 dated 16<sup>th</sup> February, 2018 which introduced the definition of "Transparency" in the regulatory framework to mean *"the disclosure of all relevant information of every Tariff Plan by the service provider*

which enables the consumer to make an informed choice. The disclosed information, *inter alia*, is to be accessible, accurate, comparable, complete, distinct, and identifiable, explicit and non-misleading, simple and unambiguous”;

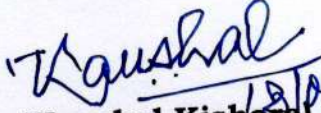
9. And whereas considering the changes in the nature and composition of tariff offers, over a period of time, thereby leading to a possibility that consumers may be facing situation of lack of information, misleading information, unclear or hard to find information and information difficult to assess and compare in the marketplace affecting their ability to make informed choice, the Authority issued a consultation paper on “Transparency in Publishing of Tariff Offers” dated 27<sup>th</sup> November, 2019 seeking comments of the stakeholders *inter alia*, on measures required to enhance transparency in tariff offers and facilitate subscribers to make informed choice of tariffs;

10. And whereas the Authority, after due consideration of the comments received from the stakeholders, has arrived at a conclusion that the existing regulatory measures relating to tariff advertisements need to be revised;

11. And whereas, it is appreciated that some of the terms and conditions which are required to be communicated to the consumers may not be amenable for disclosure in detail across all channels where the information may be published owing to specificity of the medium / channel, like limitations of space and technical aspects etc.;

12. And whereas, it has been observed that the existing measures adopted by the telecom service providers are not as transparent as they should be and that some of the telecom service providers are not prominently highlighting additional terms and conditions and are also collating the terms and conditions applicable to various tariffs on a single web-page and that the relevant information either gets lost in the maze of detail or becomes ambiguous and incomprehensible to consumers;

13. Now therefore, the Authority in exercise of the powers conferred upon it 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 and clause 9 of the Telecommunication Tariff Order, 1999, and in supersession of para 10(i)(d) of the Direction No. 301-14/2010-ER dated 26<sup>th</sup> March, 2012, hereby directs that the telecom service providers shall prominently highlight the additional terms and conditions and shall also provide a link to the specific terms and conditions for each of the tariff offerings, wherever required, while disseminating tariff related information, including on their website and mobile applications, within fifteen days from the date of issue of this direction.

  
(Kaushal Kishore)  
Advisor (F&EA)  
18/09/20

**To:**  
**All Telecom Service Providers**  
**(As per list attached)**