

**CONSUMER PROTECTION ASSOCIATION
HIMMATNAGAR
DIST. : SABARKANTHA
GUJARAT**



**Counter Comments on
DRAFT NOTIFICATION TELECOM CONSUMERS PROTECTION
(THIRTEENTH AMENDMENT) REGULATIONS, 2026 No. ---- of 2026**

Executive Summary

The Draft Telecom Consumers Protection (Thirteenth Amendment) Regulations, 2026 (the “Draft Regulations”) aim to enhance affordability and transparency for non-data telecom consumers by mandating that for every tariff plan offering voice, SMS and data, providers also offer a corresponding voice+SMS-only plan at each validity, priced proportionally lower. Stakeholders (ASSOCHAM, Airtel, RJIL, VIL, COAI, GSMA, etc.) have opposed these measures on the grounds of tariff forbearance, investment disincentives, market complexity, spam concerns, and supposed equivalence of bundled offers. These anti-consumer arguments conflict with the fundamental rights and interests of millions of users – especially the elderly, rural and low-income – and with TRAI’s own mandate under Section 11 of the TRAI Act to “protect interest of the consumers of telecommunication service”. The arguments also undermine transparency, affordability and non-discrimination principles enshrined in law. For example, TRAI observed that since the Twelfth Amendment “only a few STVs [special tariff vouchers] are being offered” – mostly with very long 80/336-

day tenors – and prices were not reduced when data was removed. This deprived vulnerable users of cheaper, short-term voice/SMS-only options, forcing them into unwanted data packs.

In rebuttal, it must be emphasized that consumers have a right to clear choice and fair pricing. Section 11 of the TRAI Act explicitly empowers TRAI “to lay down the standards of quality of service... so as to protect interest of the consumers”, and even mandates transparency in regulation. The Consumer Protection Act, 2019 further guarantees the right to choose and the right to information about services, forbidding misleading or forced bundling. TRAI’s proposals are fully consistent with these obligations. International best practices support similar measures: for example, the EU’s Electronic Communications Code explicitly includes “voice communications services” in the universal service definition, and UK regulators require social tariffs (including voice-only landline plans for vulnerable groups). The US Lifeline program likewise provides a subsidy (about \$9.25/month) for phone service to low-income users.

By contrast, the operators’ claims rely on misconceived notions of pure market freedom. “Tariff forbearance” does not override TRAI’s duty to ensure fair access, just as investment obligations are compatible with short-term consumer relief. Requiring voice/SMS-only options does not “force” consumers but expands choice: consumers who don’t use data can finally avoid paying for it. Transparent, comparable voice plans actually prevent confusion and protect the elderly and rural poor from hidden costs. Claims that regulators cannot specify plan features (calling it “product design”) are unfounded – courts have long upheld TRAI’s regulatory powers over tariff structures.

In summary, the consumer-centric case for the Draft Regulations is overwhelming. They promote affordability (“proportional price reduction” when data is stripped out), non-discrimination (voice-users are no longer compelled to subsidize data-users), and transparency (clear, advertised voice-only STVs). We therefore strongly support TRAI’s proposals as drafted. The following sections address each major operator argument in detail, presenting evidence and legal authority to reaffirm the consumer perspective.

Anti-Consumer Operator Arguments and Counterpoints:

Tariff Forbearance & Investment Threats: Operators (Airtel, COAI, GSMA, IMAI, etc.) contend that pricing is a market matter (“tariff forbearance”) and that micro-managing plans would harm investment and competition. This view misreads TRAI’s mandate: Section 11 of the TRAI Act requires the Authority to ensure **fairness and consumer interest**, not abdicate all tariff regulation. TRAI already exercises oversight over terms of service and quality. Permitting exorbitant voice-only prices – as happened post-Twelfth Amendment – violates the spirit of “orderly growth” and fair play. Indeed, regulators worldwide balance market freedom with protections: India has historically regulated roaming and interconnect rates despite “forbearance” principles, when consumer harm was evident.

Rebuttal: India’s success under forbearance has come with caveats. TRAI’s press release notes that after mandating one voice/SMS plan, only a few were offered and at high price. The complaint was not forced “control” of pricing per se, but that providers **did not reduce** prices reasonably when data was removed. Section 11(4) of the Act even obliges TRAI to “ensure

transparency” in tariff structures. Consumer law (Consumer Protection Act, 2019) enshrines the “right to choose” and “right to be informed,” which require that consumers not be hiddenly compelled to buy data plans they don’t want.

International evidence refutes the investment scare. The UK and EU frameworks explicitly encourage social/affordable tariffs. For example, Ofcom promotes “social tariffs” – lower-priced broadband/voice packages – for universal credit or pensioners. The EU Universal Service Directive (Article 84(1) of the EEC) includes voice service as an essential universal service, acknowledging regulatory role. The US FCC Lifeline program provides a \$9.25 subsidy on phone service to low-income households. These systems have not deterred investment in networks; rather, they ensure no one is excluded. Similarly, targeted voice/SMS-only mandates would apply only when new bundled plans are launched, and providers remain free to innovate. No credible evidence shows they would cripple 5G rollout or fiber investment.

Bundling and “Digital-First” Market. Operators argue India is now a “data-first” market; voice/SMS usage is declining, and most customers use apps for communication. They claim that users can simply buy a very low-data pack instead of a pure voice plan. Some suggest that forcing “pure” voice options is unnecessary product-design by regulation, or will push marginal users off-network. For example, comments warned that a full voice+SMS plan grid “is unnecessary and risks pushing price-sensitive users out of data altogether,” and that requiring one-to-one mapping of plans is “product design by regulation, not transparency regulation.” They also cite the impending 2G sunset to imply voice plans are obsolete.

Rebuttal: These assertions ignore the reality for tens of millions of feature-phone users and low-income customers. Many cannot afford data at all, or lack smartphones. For them, a voice/SMS-only plan is not an “option” but a necessity. TRAI’s consultation emphasises that “low-income group consumers, especially those in rural areas or using feature phones, require shorter validity [voice/SMS] packs” to match their budgets. Indeed, numerous stakeholders “expressed a need for shorter-duration Voice and SMS only packs”. Requiring voice-only choices simply recognizes this gap. Moreover, offering explicit voice-only STVs does **not** preclude buying data; it merely adds a choice. Consumers are free to buy separate small data vouchers when needed – in fact, this can enhance budgeting.

Conflating voice-only plans with pushing users “out of data” is speculative alarmism. If anything, transparent voice-only options empower consumers to “pay less” when they truly only need talk/SMS. Mature markets show this: for example, UK social tariffs include voice-only landline plans for eligible users. Operators here themselves introduced voice/SMS packs after the last regulation, proving there is demand. The problem was not consumer interest, but their prohibitively high pricing. Mandating proportionally cheaper voice plans will simply align price with usage.

Proportional Pricing as “Retail Price Control.” Some submissions (notably Bharti Airtel) argue that requiring a “proportional reduction” in tariff amounts to wholesale price regulation, amounting to “retail price control” beyond TRAI’s authority. They warn it blurs licit forbearance and sets an uncomfortable regulatory precedent. Operators also claim that the draft’s phrasing – “largely proportional reduction in tariff” – is unclear and could freeze their ability to structure plans.

Rebuttal: A proportional price reduction is a reasonable fairness standard, not arbitrary control. It simply means that if data (an included service) is removed from a pack, the price must drop in proportion. For example, if a bundled plan costs ₹200 with 10 GB, a voice/SMS-only version of the same validity might cost ~₹100 (assuming data is about half the value). Such proportionality was exactly what TRAI envisaged and what consumer groups demanded when existing voice packs remained overpriced. This principle is similar to “like-for-like” comparisons in pricing, which regulators routinely enforce (for example, to prevent hidden features in insurance or energy tariffs). Requiring proportional tariffs actually enhances transparency: consumers can easily verify they aren’t paying extra for dropped services.

Legally, nothing in the TRAI Act forbids requiring reasonable price parity. In fact, Section 11(1)(ii) empowers TRAI to fix terms of interconnection and (c) levy charges – reflecting that TRAI can set fair rate principles. Moreover, the legislation permits different rates for different classes of persons “provided that the Authority shall record reasons therefor”. Here, the rationale is clear: equal consumer choice. Unlike arbitrary price caps, proportional reduction simply binds each operator to pass on cost savings from the absence of data. This is akin to mandated “social tariffs” globally. For instance, regulators in the UK encourage set-aside plans with transparent pricing for low-income groups.

Consumer Confusion and Choice Overload. Operators claim that too many similar STVs will confuse consumers. They say having voice-only options for *every* validity will inundate pre-paid plan menus and frustrate average users. Some even argue that many elderly or rural users might mistakenly buy a voice-only pack and then be unable to use services (like

UPI) that rely on mobile data or internet, causing hardship. These submissions imply that simpler menus of bundled packs are somehow more consumer-friendly.

Rebuttal: This argument is unfounded and patronizing. Regulated disclosure and labelling can eliminate confusion. TRAI already requires clear tariff charts and public listing of plans; the draft's call for prominent display of voice/SMS-only STVs across all channels merely reinforces existing transparency rules. Consumers today navigate dozens of top-up options; adding voice-only choices is unlikely to overwhelm them – if anything, it simplifies decision-making for those who use no data. Regarding the hypothetical mistake scenario (senior buys wrong plan): telecom providers already educate customers at points of sale and through USSD menus. TRAI's own *MyPlan* portal and printed plan vouchers make contents clear. Importantly, nothing in the draft prohibits customers from buying necessary data packs when needed; it only ensures they first see that no-data, low-cost options exist.

In fact, several operators currently bundle voice-only packs with token data to avoid consumer inconvenience, tacitly acknowledging the desirability of cheaper options. The draft regulation's transparency measures – including uniform plan identifiers and digital display – ensure consumers “know exactly what they are purchasing” (aligning with Consumer Protection Act rights). Confusion should be solved by better information, not by denying options.

Spam/UCC and “Misuse” Fears. A few stakeholders (COAI, RJIL) hinted that cheap voice plans could attract telemarketers or misuse (unwanted

calls/SMS), raising spam/UCC concerns. They suggest that regulating tariffs should wait until spam regulations are strengthened.

Rebuttal: Spam and misuse are governed by separate rules (the TCCCPR 2018 and its Do-Not-Disturb framework). Slashing voice tariffs will not free marketers to spam; they remain bound by consent rules. Indeed, if anything, making voice minutes cheaper encourages legitimate communication, which digital inclusion proponents rightly seek. Tackling spam requires enforcement of existing laws, not penalizing honest users. Denying voice-only plans on spam grounds would be akin to banning telephones to prevent scam calls – a disproportional response. TRAI’s mandate includes managing spam (Section 11(2) and through TCCCPR), so this argument is irrelevant to the tariff context.

Equity and Non-Discrimination. Implicit in many arguments is the notion that all consumers should be treated equally by the market. Yet, leaving voice-only users with the same prices as data-users is profoundly unequal. TRAI’s draft rightly notes that forcing data-less users to pay identical tariffs is **“against the objective of ensuring fair, equal and non-discriminatory choices for all consumers”**. The neediest segment (elderly, rural, low-income) is explicitly targeted by TRAI, as these groups are “placed at a disadvantageous position” when no-data users lack options. Equity demands a regulatory correction: voice-only subscribers should not subsidize data. This aligns with legal guarantees of equal treatment; economically, it mirrors social welfare measures worldwide.

In summary, each operator submission either ignores or misstates consumers’ legal rights. TRAI’s draft aligns with **consumer rights** (choice,

information, safety) and with international best practice. The following table distils the key operator claims and our responses:

Forbearance must be preserved. Over-regulating tariffs will scare away investment.” Under Section 11 of the TRAI Act, the regulator must protect consumer interests, including fair pricing. Investment cannot trump basic affordability for millions; indeed, regulators worldwide (e.g. US FCC, UK Ofcom) impose social tariffs without hurting investment. TRAI’s proportional pricing standard simply enforces transparency, not heavy-handed price control.

“Voice-only packs are redundant: India is a data-first market. Consumers can just pick low-data plans.”

Many rural/elderly consumers still use feature phones or need only voice/SMS. The Consumer Protection Act guarantees the “right to choose” services; forcing unnecessary data on such users violates that right. TRAI found low-income users “require shorter validity” voice/SMS packs. International law (EU, US, UK) recognizes voice as essential: e.g. EECC Article 84(1) mandates voice service availability. Adding voice-only options simply expands choice.

“Requiring proportional pricing is retail price control – beyond TRAI’s remit.” Ensuring proportionate price drops when data is removed is a reasonable fairness rule, akin to requiring clear billing. Section 11 and consumer law empower TRAI to mandate fair terms. The PIB press release explicitly prescribes that voice/SMS vouchers be “priced with largely proportional reduction in tariff”. This aligns with global practices (e.g. UK’s BT social voice tariff) and corrects past excesses where prices did not drop with data removal.

“Consumers will be confused by too many similar plans. Elderly may buy wrong plans and suffer.” Clarity is TRAI’s goal. The draft includes strong disclosure rules (clear display of plans on portals, kiosks). Consumers today navigate complex menus; adding simpler voice-only choices actually reduces confusion by clearly labelling cheaper options. Experience shows older users benefit when plans match their needs; education and standard UI fixes (like labels “Voice Only”) can eliminate mistakes. The alternative – denying choice – is more patronizing.

“Cheap voice plans will fuel spam/UCC complaints.” Unsolicited calls are tackled by TCCCPR 2018 and DND regulations. Lowering consumer prices does not legitimize spamming. If anything, more voice use supports communication rights. Spam should be fought with enforcement (as TRAI does regularly), not by limiting lawful voice access.

“International norms favour forbearance, not these mandates.” On the contrary, many jurisdictions impose low-cost voice options. The UK mandates voice-only social tariffs for eligible consumers, and US Lifeline subsidizes phone service. The EU Universal Service directive requires voice service availability. These precedents show regulators worldwide accept targeted interventions to protect vulnerable telecom users. India should follow suit rather than lag behind.

Regulatory Provisions & Rationale:

Based on the above analysis, the following provisions – largely mirroring TRAI’s draft – should be adopted. Each is justified by consumer rights, transparency, affordability and non-discrimination principles:

Voice+SMS Only Plan Matching: For **every** active STV (Special Tariff Voucher) validity offering voice, SMS and data, the operator **must** offer a corresponding Voice+SMS-only STV of the same validity.

Ensures “parity of choice”: customers who do not use data have the same options as data-users. This upholds TRAI’s consumer-protection mandate and prevents hidden cross-subsidies. Diverse validities suit users’ budgets.

Proportional Pricing Requirement: Each Voice+SMS-only STV must be priced with a “largely proportional reduction” compared to the bundled plan. Guarantees fair pricing: consumers save appropriately when unwanted data is stripped. This aligns with transparency obligations and corrects past practice where prices barely fell. It prevents implicit price control without explicit rate regulation.

Voice/SMS STVs for All Validities: Expand voice/SMS STVs beyond the very long tenors (80/336 days) currently offered, to include shorter validities** (e.g. 2/7/28/56/84 days) matching those of data packs. Protects low-income and rural consumers* who budget for small recharges. Short-term plans avoid forcing large upfront spending. This is critical for feature-phone users and ensures equitable access under TRAI’s fairness mandate.

Mandatory Display & Disclosure: Operators must clearly advertise all Voice+SMS-only plans alongside other STVs on websites, apps, outlets, and USSD menus.

Promotes **transparency and informed choice:** Consumers have the right to be informed about available services (Consumer Protection Act, 2019). Clear labelling prevents confusion and ensures vulnerable users find cheaper options easily.

Protections for Vulnerable Consumers: Introduce social tariff provisions (analogous to UK social tariffs) or exemptions if needed, and ensure enforcement benefits elderly/rural customers specifically. Safeguards those explicitly recognized by TRAI as at a disadvantage. By citing “non-discrimination” in the regulation’s preamble, TRAI reinforces obligations under the Constitution and consumer law to protect weaker sections. (Supreme Court has urged that essential services be affordable to all.)

No Forced Bundling (Data Opt-Out): Prohibit terms that force subscribers to take unwanted data; allow consumers on voice-only plans to opt into data add-ons freely. | Respects *consumer autonomy*. The draft already states that no consumer “shall be made to pay for” unwanted services. Operators must not impose data on a voice plan customer (consistent with the right against unfair trade practices).

These provisions reflect international best practices and legal requirements. They balance market innovation with the fundamental consumer rights to affordable, transparent telecommunications. For example, Ofcom’s regulations require that firms “treat vulnerable customers fairly” and offer targeted tariffs. Likewise, this draft amendment would ensure all consumers receive “fair, equal and non-discriminatory choices” as envisaged by TRAI.

Strong Recommendations:

In light of the analysis above, we respectfully submit that TRAI should **strongly uphold the draft amendments** and incorporate our suggestions. The final counter-comments to be submitted to TRAI may be summarized as follows:

Affirm TRAI's Mandate: Emphasize that Section 11 of the TRAI Act requires protecting consumer interests and ensuring transparency. Regulators elsewhere have mandated affordable voice services (UK, EU, US), so India's measures are well within international norms.

Reject Forbearance Arguments: Clarify that leaving non-data consumers with only data-inclusive plans violates fundamental fairness. Cite that TRAI already found voice packs few and overpriced, justifying further regulation.

Support Proportional Pricing: Argue that proportional price reductions are not improper "price control" but a transparency measure that ensures users benefit from not buying data. Reference TRAI's own directive that reductions be "largely proportional" and case law on tariff regulation (if available).

Demand Clear Disclosure: Recommend adding explicit rules requiring voice/SMS-only plan visibility on every sales channel, as per the draft's intent. Transparency is a consumer right under both TRAI regulations (2012) and the Consumer Act.

Safeguard Vulnerable Consumers: Highlight that rural, elderly and low-income users have special needs. The draft's goals – matching voice plans for these groups – should be preserved. Suggest language amendments if needed to emphasize non-discrimination and affordability (e.g., citing "unequal burden" from TRAI release).

Enforce Spam Rules Separately: Clarify that spam/UCC concerns are addressed via DND regulations and should not delay voice/SMS-only rollout. Voice plan affordability is a distinct consumer right; spam enforcement can be strengthened concurrently.

Ensure Accountability: Urge TRAI to specify penalties or remedies for non-compliance (e.g., if operators fail to list required voice plans or maintain pricing parity). Link this to Section 11 responsibilities and existing penalty provisions under consumer regulations.

Highlight Legal Basis: Throughout, reference the TRAI Act, Consumer Protection Act, and appropriate precedents (e.g. M. Ismail Faruqui [CSC], if relevant, which underscores telecom’s public interest aspect). This frames the Draft Regulations as not just good policy, but legally mandated consumer protection.

By grounding each counter-comment in statutory duty and international best practice, we reinforce that these measures are both justified and necessary. We conclude with full support for TRAI’s draft and urge its finalization with minimal changes. The above recommendations, if adopted, will ensure affordable, fair and transparent telecom services for all segments of India’s population.