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**Consolidated Premium Counter- Comments on The Draft Telecom Consumers Protection (Thirteenth Amendment) Regulations, 2026.**

**Submitted before the Telecom Regulatory Authority of India (TRAI)**

To

**The Advisor (Financial & Economic Analysis)**

Telecom Regulatory Authority of India (TRAI)

Tower- F, World Trade Centre

Nauroji Nagar, New Delhi – 110029

**Sub: Submission of Consolidated Counter-Comments on the Draft Telecom Consumers Protection (Thirteenth Amendment) Regulations, 2026.**

**Respected Sir,  
Greetings from VIKASH !**

On behalf of **VIKASH** - NGO, we respectfully submit the following consolidated counter-comments regarding the submissions made by various Telecom Service Providers (TSPs) on the Draft Telecom Consumers Protection (Thirteenth Amendment) Regulations, 2026.

This representation is being submitted in the larger public interest to safeguard the rights of low-income, rural, elderly, digitally marginalized, and economically vulnerable telecom consumers across India. As a civil society organization working in the domains of consumer rights, digital equity, rural inclusion, and public welfare, we believe that affordable access to basic telecommunications services constitutes an essential socio-economic necessity.

The present representation reflects concerns emerging from grassroots interactions with rural subscribers, senior citizens, feature-phone users, daily wage earners, migrant workers, and financially disadvantaged households who increasingly face barriers in maintaining affordable mobile connectivity due to compulsory data bundling practices.

We respectfully submit that the proposed 13<sup>th</sup> Amendment provides an important opportunity for the Hon'ble Authority to strengthen consumer protection, ensure equitable telecom access, and reinforce the principles of affordability, transparency, informed choice, and non-discrimination within India's rapidly evolving digital ecosystem.

11/5/26  
**Secretary, VIKASH**  
-cum-CAG-Member  
Berhampur Ganjam Odisha

At the outset, we strongly support the intent and objectives of the proposed amendment, particularly the provisions relating to the availability of standalone Voice and SMS Special Tariff Vouchers (STVs), proportional pricing mechanisms, validity parity, and enhanced consumer transparency.

The present telecom ecosystem has increasingly evolved toward compulsory bundling of voice connectivity with mobile data services. While digital inclusion remains a national priority, inclusion cannot be achieved through coercive pricing structures that compel economically vulnerable consumers to purchase services they neither require nor meaningfully utilize

The proposed amendment is therefore not merely a regulatory intervention; it is a critical consumer- protection measure aimed at safeguarding affordability, accessibility, and the constitutional principles of equality and non- discrimination in digital communications.

The submissions made by several TSPs largely attempt to justify forced bundling practices under the pretexts of digital inclusion, network economics, operational convenience, and spam prevention. We respectfully submit that these arguments are neither economically equitable nor socially justifiable.

The following counter- comments are therefore submitted for the consideration of the Hon'ble Authority.

### **1. REJECTION OF FORCED DIGITALIZATION AND THE "DIGITAL INCLUSION" ARGUMENT**

**TSP Position**  
Telecom Service Providers have argued that mandatory inclusion of data in prepaid recharge packs promotes digital inclusion, enables access to UPI, government services, emergency communication, and broader participation in the Digital India ecosystem.

#### **Counter- Comment**

While digital inclusion is an important national objective, it must remain voluntary, affordable, and consumer-centric. Digital inclusion cannot be transformed into a mandatory financial obligation imposed upon economically weaker consumers.

A significant proportion of India's elderly citizens, rural households, migrant workers, low-income users, and feature-phone subscribers continue to rely primarily on voice and SMS services for essential communication. These users often do not possess smartphones, lack digital literacy, or cannot afford recurring data-inclusive recharge plans.

Forcing such consumers to purchase data services that they neither need nor use effectively operates as an "Unfair Digital Tax." It compels financially vulnerable subscribers to subsidize a digital ecosystem from which they derive little or no utility.

#### **True digital inclusion must be based upon:**

- Informed consumer choice;
  - Economic affordability;
  - Technological neutrality;
  - Respect for varying levels of digital literacy;
  - Protection of access to basic communication services.
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- ✓ The right to maintain a mobile identity and access essential voice connectivity should never be contingent upon the consumer's ability to participate in app-based ecosystems.
  - ✓ The proposed amendment therefore represents an important corrective mechanism against market practices that have systematically reduced affordable voice-only alternatives.

#### **We respectfully submit that:**

1. Voice/SMS-only STVs must remain mandatory;
2. Such packs should be available across all major validity categories;

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3. TSPs should not be permitted to indirectly discourage uptake through unreasonable pricing;
4. Consumers must retain the freedom to choose between voice-only and bundled plans.

## 2. REJECTION OF THE “SPAM PREVENTION” AND “SECURITY RISK” JUSTIFICATION

### TSP Position

Several TSPs have argued that lower-cost standalone Voice/SMS packs may be misused by telemarketers, fraudsters, or spammers, thereby increasing unsolicited commercial communications and security risks.

### Counter-Comment

This argument shifts the operational responsibility of network governance from telecom operators to ordinary consumers.

Spam prevention, fraud mitigation, and network security are core technical and regulatory obligations of Telecom Service Providers. Consumers—particularly poor and vulnerable subscribers—cannot be penalized merely because operators find enforcement and monitoring operationally inconvenient.

India already possesses a robust regulatory framework under:

- Telecom Commercial Communications Customer Preference Regulations (TCCCPR), 2018;
- AI/ML-based spam detection systems;
- KYC norms;
- SIM verification systems;
- Digital fraud monitoring mechanisms.

If spam and fraudulent activities continue to persist, the appropriate solution is stronger technological enforcement and regulatory compliance—not denial of affordable communication options to legitimate users.

The proposition that affordable voice packs inherently encourage spam is both speculative and discriminatory.

We respectfully submit that:

- Legitimate low-income consumers should not suffer reduced access because of enforcement failures by TSPs;
- AI/ML-based filtering systems must be strengthened;
- TSPs should improve analytics and fraud-detection mechanisms instead of restricting affordable plans;
- Consumer rights cannot be subordinated to operator convenience.

The Authority may also consider directing TSPs to periodically report spam-control compliance indicators rather than allowing them to use “security” as a blanket justification for anti-consumer pricing practices.

## 3. REJECTION OF THE “AIRLINE TICKET” AND “FIXED COST” ANALOGY

### TSP Position

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TSPs have argued that telecom pricing structures are comparable to airline tickets where removal of ancillary services (such as meals) does not proportionally reduce costs. They further argue that network costs are shared and therefore removal of data access does not materially reduce pricing.

### **Counter-Comment**

This analogy is fundamentally flawed and economically misleading. In modern telecom marketing structures, mobile data is not an incidental or secondary component. Rather, data constitutes the primary marketed value proposition of most prepaid packs.

Recharge packs are routinely advertised using:

- Daily data limits (e.g., 1GB/day, 1.5GB/day, 2GB/day);
- OTT benefits;
- Streaming access;
- 5G usage;
- Digital content bundles.

This clearly demonstrates that data is central to pricing strategy, consumer acquisition, and revenue optimization.

TSPs cannot simultaneously:

- Market data as the principal premium feature of telecom packs; and
- Claim that removal of data produces negligible economic impact.

Such contradictory reasoning lacks economic consistency.

If a consumer is electronically prevented from accessing mobile data, the consumer must receive a meaningful and proportional reduction in tariff.

Otherwise, consumers are effectively being charged for:

- Unusable services;
- Unwanted digital features;
- Artificially inflated bundled pricing structures.

This amounts to a clear form of unfair trade practice.

The proposed principle of “largely proportionate reduction” is therefore reasonable, equitable, and necessary.

We strongly recommend that TRAI:

1. Establish transparent proportional pricing benchmarks;
2. Prevent token or cosmetic price reductions;
3. Monitor whether Voice/SMS packs are intentionally overpriced to discourage adoption;
4. Ensure that standalone plans provide genuine economic benefit.

### **4. VALIDITY PARITY AS A MATTER OF ECONOMIC JUSTICE**

#### **TSP Position**


Certain TSPs have argued that providing multiple standalone Voice/SMS validity options would create “decision fatigue,” increase operational complexity, and confuse rural consumers.

#### **Counter- Comment**

This argument is deeply patronizing and dismissive of consumer agency.

Telecom operators already manage:

- Hundreds of prepaid variations;
- Promotional offers;
- OTT-bundled packs;
- Data boosters;

  
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- Festival campaigns;
- Region-specific plans;
- Enterprise and segmented tariff products.
- To suggest that consumers cannot distinguish between:
- “Voice Only” packs; and
- “Voice + Data” packs is neither credible nor respectful.

The real issue is not operational complexity—it is the preservation of higher Average Revenue Per User (ARPU) through forced bundling.

At present, many voice-only users are effectively pushed toward:

- 84-day plans;
- 365-day plans;
- High upfront payment obligations.

This creates what may appropriately be described as a “Poverty Premium,” wherein the financially weakest consumers are required to make the largest upfront expenditures merely to maintain basic connectivity.

This structure disproportionately harms:

- Daily wage workers;
- Senior citizens;
- Rural populations;
- Pensioners;
- Low-income households;
- Seasonal migrant labourers

## 5. REJECTION OF THE “DATA AS A SAFETY NET” THEORY

### TSP Position

Some TSPs have argued that minimal bundled data acts as a “safety net” for emergency situations, background updates, location sharing, or accidental internet usage.

### Counter Comment

- This argument is not supported by the realities of India’s low-income telecom consumers.
- A substantial number of consumers seeking standalone Voice/SMS packs continue to use:
  - Feature phones;
  - Basic keypad devices;
  - Non-internet devices.
- Such users do not utilize:
  - Background application updates;
  - GPS location sharing;
  - OTT services;
  - Cloud synchronize.

## 6. ACCOUNTABILITY IN VISIBILITY AND ACCESSIBILITY

### TSP Stance:

Telecom Service Providers contend that standalone Voice/SMS packs are already available through digital platforms such as mobile applications, websites, and online recharge systems, and therefore no additional visibility obligations are required.

## **CAG Counter-Comment:**

Digital transparency alone does not adequately serve India's "digitally less-active" population, particularly elderly citizens, rural households, feature-phone users, low-income consumers, and individuals with limited digital literacy. A substantial segment of telecom subscribers continues to depend upon offline retail channels and local recharge vendors for accessing telecom services.

In practice, many standalone Voice/SMS packs remain poorly visible, difficult to locate, or inadequately promoted compared to bundled data plans. Merely publishing such plans on websites or applications cannot be considered meaningful consumer accessibility.

We therefore strongly urge the Hon'ble Authority to mandate that all Telecom Service Providers ensure transparent, equal, and prominent visibility of standalone Voice/SMS packs through both online and offline communication mechanisms.

### **Recommendations**

Mandatory display of Physical Rate Cards containing all Voice/SMS-only packs at every authorized retail Point of Sale (POS);

Quarterly SMS alerts in local languages informing consumers about available Voice/SMS-only recharge options;

Equal discoverability of Voice-only packs across mobile applications, websites, USSD services, and recharge portals;

- Clear and consumer-friendly labelling of all standalone packs without hidden conditions or misleading presentation;
- Special accessibility measures for rural, elderly, and low-ARPU consumers to ensure informed recharge choices.

Without enforceable visibility standards, there remains a substantial risk that standalone Voice/SMS packs may technically exist but remain practically inaccessible to the consumers for whom these protections are intended.

### **Conclusion:**

The 13th Amendment is a landmark step toward a consumer-first telecom regime. We strongly support the mandate for proportional pricing and validity parity as essential protections for India's most vulnerable mobile users.

Yours Sincerely,

Gokul Chandra Dash

Designation: Secretary, VIKASH & CAG Member  
(Name of CAG: VIKASH Consumer Organization)



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