

**To,  
Mr. Kushal Kishore,  
Advisor,  
(F&EA)-I, TRAI**

**This is in response to  
Consultation Paper on Transparency in Publishing of Tariff Offers by TRAI**

**I find my pointwise response on questions asked in consultation paper. Hope my points mentioned here will be taken into consideration & will be part consultation paper.**

**Question 1: Whether TRAI should prescribe any format for publishing tariff?  
Please support your answer with rationale.**

**Answer :** To start with by saying I second with view TRAI where they intimated "Typically, consumer faces situation of lack of information, misleading information, unclear or hard to find information and information difficult to assess and compare in the marketplace which affects their ability to make informed choice which serves their needs."

" It has been observed that quite often Telecom Service Providers apply certain tariff policies and put conditions without disclosing the same in adequate detail in an unambiguous manner to the Authority and to the consumers. Details of such policies, either applicable to the entire range of tariff offerings or limited to a subset of the same, is many times neither reported as part of mandatory tariff filings nor made known to customers while displaying tariff through various channels. For example, most of the Telecom Service Providers apply First Recharge Condition (FRC) and Fair Usage Policy (FUP) but the terms for the same are not disclosed or disclosed in an ambiguous manner. Considering that the extant regulatory framework defines tariff as "rate and related conditions"

Now let me give a my prospective why **inspite** of rules & regulations in place why consumers are still not getting facility as per TRAI/DOT rules & regulations.

As per TRAI rule I quote "At present, the tariff for mobile services except for national roaming service and USSD00000 15 is under forbearance. The telecom service providers (TSPs) have a flexibility to design and offer tariff as per prevalent market conditions, subject to the condition that these tariffs have to be consistent with the regulatory framework and regulatory principles which, inter alia, include transparency, non-discrimination, non-predation etc. to ensure protection of consumer interest and orderly growth of the sector."

So TSPs are given a free hand to design their tariff plans & related terms &

conditions as per their business requirement only they have to make they follow above mentioned T&C.

Now as per TRAI policy a specific & clearly defined rules in transparent manner is required, because unless & until it is not defined clearly in terms of no of calls & duration of calls the said format can not be transparent, because this word transparent can be defined in their way by every one. Who will decide what is the correct definition of transparency, the grievance redresses policy in telecom industry is currently a 2 tire system, customer care & Appellate Authority of TSPs, & tariff policy of respective TSPs are in under forbearance as per TRAI policy, so what is transparent & what is not that will be decided by the concerned TSP, & their decision will be final, & in case of complain from customer's end TSP will decide what is transparent & what is not transparent, so unless & until TRAI is defining the meaning of transparency, predation, discrimination in clear & transparent well defined manner, the main motto of TRAI will not be solved & consumer will not get proper service. Even if in case some TSPs have non transparent, discriminatory, predatory laws are in place, it is creating a confusion among all stake holders, so I guess a well defined, countable, unambiguous rule is need of the hour from TRAI's end.

Here most of TSPs are giving unlimited outgoing calling facility but with terms & conditions like in case of misuse their service can be barred, this word like misuse is itself undefined, ambiguous, non transparent word, I think this rules are in place as defined rules & regulation is not there in place from TRAI's end.

& as written in TRAI website <https://main.trai.gov.in/release-publication/regulations/amendments-page/91253>,  
[https://main.trai.gov.in/sites/default/files/TTO\\_Amendment\\_Eng\\_16022018.pdf](https://main.trai.gov.in/sites/default/files/TTO_Amendment_Eng_16022018.pdf)

"THE TELECOMMUNICATION TARIFF (SIXTY THIRD AMENDMENT) ORDER, 2018" ..

"Transparency' means 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."

& "Non-discrimination" is defined by TRAI as "Non-discrimination - No service provider shall, in any manner, discriminate between subscribers of the same class and such classification of the subscribers shall not be arbitrary: - No service provider shall, in any manner, discriminate between subscribers of the same class and such classification of the subscribers shall not be arbitrary:

Now as per TRAI rule if TSPs are disclosing all information of every plans which

enable customer make an informed choice as per TRAI rule ? If the information is accessible, accurate, comparable, complete, distinct and identifiable, explicit and non-misleading, simple and unambiguous as per TRAI rule ? As mentioned in this consultation paper as mentioned earlier TRAI also think all these rules are not getting followed by TSPs.

TSPs are barring outgoing voice service of consumers saying Outgoing voice service has been discontinued due to misuse by making abnormally high number of outgoing calls. Without giving any definition of high or misuse.

If this kind of terms & conditions & reasons provided by TSPs to bar calls of the customers can be really termed as transparent & non discriminatory ?

Which means as per TRAI regulations as written  
in [https://main.trai.gov.in/sites/default/files/TTO\\_Amendment\\_Eng\\_16022018.pdf](https://main.trai.gov.in/sites/default/files/TTO_Amendment_Eng_16022018.pdf)  
which says & I quote

" Transparency' means 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."

Which means as per TRAI regulations disclosure of all relevant information of every tariff plan by the service provider :

If TSPs have informed customer regarding definition of misuse or fair-unfair use in terms of no or duration calls ?

Which means as per TRAI regulations disclosure of all relevant information of every tariff plan by the service provider which enables the consumer to make an informed choice :

If TSPs informed customer regarding definition of misuse,use,abnormal,normal no of calls for defining it, which can enable them of informed choice ?

Which means as per TRAI regulations the disclosed information, inter alia, is to be accessible :

If TSPs making the information of the formula's/algorithms by which they calculate use/misuse,abnormal/normal, high/low, in terms of no of calls accessible for the consumers ?

Which means as per TRAI regulations disclosed information, inter alia, is to be accurate :

If the undefined term abnormal,high,use,misuse are accurate at all to know its definition correctly in terms of no & duration of calls ?

Which means as per TRAI regulations disclosed information, inter alia, is to be comparable :

If this term misuse, abnormally high are at all comparable with other plans(of same or other TSPs) without knowing definition of the same in terms of no & duration of calls ?

Which means as per TRAI regulations disclosed information, inter alia, is to be complete :

If this t&c & reason given by TSPs to bar calls of the customer can be termed as complete info in any way ? Forget about being complete, if it gives any idea to the customer when their calls will be termed as misuse,use,high,low,abnormal,normal & how to customer can determine the same to avoid misusing, abnormally using the call facility of the concerned plan ?

Which means as per TRAI regulations disclosed information, inter alia, is to be distinct :

If this T&C & reason given by TSPs at all can be termed as distinct why,when & how they can or have barred customer calls of customers & if customers can anyway find distinctly reason for their call barring & how to avoid barring their call in future ?

Which means as per TRAI regulations disclosed information, inter alia, is to be identifiable :

If this T&C & reason given by TSPs to bar customer calls at all identifiable in any sense how, why,when TSPs found customer is misusing their no, when & how their are abnormally high no of outgoing calls from customer no if customer get even one identifiable hint or reason ?

Which means as per TRAI regulations disclosed information, inter alia, is to be explicit :

If this T&C & reason given by TSPs to bar customer calls can be termed as explicit from any sense ? Forget about being explicit, if any form of hint,reason given to customer why their calls are barred & how to avoid barring their calls in future ?

Which means as per TRAI regulations disclosed information, inter alia, is to be non-misleading :

If this terms & condition can be termed as non-misleading, where TSPs barring the call without giving any definition of misuse, abnormally high no of outgoing calls in terms of no of calls ? Where TSPs are saying their automated system determines when to bar calls but intimate, based on which formula their system bar the calls no consumer of TSPs knows as per them it is confidential. If this information can be termed as non -misleading in any sense ?

Which means as per TRAI regulations disclosed information, inter alia, is to be

simple :

This T&C & reason given by TSPs can be termed as simple in anyway where they refuse to let customer understand & know how to know difference between use & misuse,

abnormal & normal, high & low in terms of no & duration of calls ? Above all they themselves saying it is based on some complex algorithm.

Which means as per TRAI regulations disclosed information, inter alia, is to be unambiguous :

This T&C & reason given by TSPs are unambiguous in any sense where TSPs can bar customer call when ever they or their system feel like by just saying, their are abnormally high no of outgoing calls from consumers end which is termed as misuse, without explaining definition of Abnormal,high,misuse in terms of no & duration of calls ?

Which means as per TRAI regulations tariffs have to be consistent with the regulatory framework and regulatory principles which, inter alia, non-discrimination :

If the tariff T&C are non -discriminatory at all ? If yes then If TSPs are barring any customers call with average talking time of one & half an hours per day & average 7/8 calls per day , then calls of all the customers are barred for talking for the same duration & same no of calls ? if answer is no, then if this should not be termed as discrepancy & against TRAI rules ?

Which means as per TRAI regulations tariffs have to be consistent with the regulatory framework and regulatory principles which, inter alia, include transparencynon-discrimination, non-predation etc. to ensure protection of consumer interest :

By allowing TSPs to bar customer calls when ever they feel like, without any obligation to explain to customer how TSPs system determines difference between use & misuse, fair & unfair, abnormal & normal, high & low, without giving any information to customer how they can understand difference between use & misuse,fair & unfair, abnormal & normal, high & low, in terms of no of calls, which make them vulnerable to misuse the outgoing call facility unknowingly for which their outgoing calls may be barred again for none of their fault, if by doing this TSPs & by allowing this to happen if TRAI is protecting the consumer interest in any sense ?

Which means as per TRAI regulations tariffs have to be consistent with the regulatory framework and regulatory principles which, inter alia, include transparency, non-discrimination, non-predation etc. to orderly growth of the sector :

Without giving any chance customer to know why their calls are barred,without giving them difference between use.misuse,abnormal normal,high,low in terms of

no & duration of calls & in turn trapping them to misuse the no unknowingly & in this way to bar customers call again & again for which customer have paid their hard earned money giving any orderly growth to the sector in any sense ? By terrorizing the customers by barring their unlimited call facility without giving any valid reason giving any sort of value addition to telecom sector ? If customers are not losing their faith on telecom operator, telecom statutory bodies, telecom ministry & telecom sector ?

Mobile Nos outgoing facilities are barred by TSPs by giving reason like outgoing voice service of consumer is discontinued due to misuse by making abnormally high number of outgoing calls & by saying this is violation of the terms & conditions under which the services are being provided. They also ask consumers to recharge and activate upcoming plan & , let us for sake of argument assume even if consumers agree to every point TSPs are saying ,they have to abide by TSPs terms & conditions, rules & regulations, even if consumers agree that surely as per TSPs system they have surely misused outgoing call facility, even if consumers agree surely their must be abnormally high no of calls from customer's end, even if consumers agree they will abide by all their terms & conditions & rules, but TSPs also need follow certain rules , if they are following the same ?To follow TSPs rule correctly consumers need to know the criteria set by them to determine misuse, abnormal, high no of outgoing calls, which leads to barring of consumers outgoing calls, these words misuse, abnormal, high are all relative, vague, ambiguous, nontransparent & undefined words till TSPs are defining them clearly & transparently, unless & until consumers not able to know clearly what are TSPs criteria of misuse, abnormal, high no of outgoing calls, & what are their definition of these words how consumers can know what is the limit set by TSPs to determine misuse, how they can control themselves, limit themselves, even if they are restricting themselves, limiting themselves unless & until they know the exact limit, consumers will probably unknowingly cross limit set for them, & TSPs will get another opportunity to bar consumers call, not sure if TSPs are doing these intentionally or unintentionally, if for benefit of doubt let us assume TSPs are not doing it intentionally, then why they are not giving customer the exact figure in terms of no of calls & or duration of calls based on which they are barring the calls of the customers, no representative of TSPs know the criteria based on which the calls of the consumers are getting barred or terms as misuse or abnormal, but TSPs are forcing consumers to know that limit , they are not telling them how they will know that & from where, because as explained if they don't know the limit, how they will be able to restrict themselves ? If this is justified as per TRAI ? If consumers interest are getting protected in any sense ?

TSPs are saying call barrings are done is not because of crossing FUP limit or unfair use, but it is due to misuse, I just wonder what is the difference between unfair use & misuse, they are limiting the consumers calls, whether it is termed as misuse or unfair use how does it matter, & do TRAI think for Fair/unfair use policy,TSPs need to give exact limit to bar calls but for use/misuse TSPs don't need

to give exact limit , what may be the common sense behind it, I think be it for unfair-use/fair-use or for use/mis-use exact defined limit has to be mentioned & if any one crossing that limit their service can be barred as per defined rule. & If this limit not only restricted to outgoing call, & incoming call, mobility of the simcard & other criterias are also taken into account, it should be clearly, transparently, in a defined manner should be mentioned. I think this beneficial for all stake holder to avoid any confusion, for that purpose a well defined unambiguous direction, laws, rules & regulations need to be in place.

So the questions here from consumers prospective are,

being a customer whose service was stopped for which they have paid their hard earned money if don't have the right to know or if this not fundamental right to know

what is the reason for which their outgoing call facility is barred ?

If TSPs are saying consumer have misused unlimited calling service, then if consumers don't have the right to know difference between use and misuse of unlimited calling facility, Without knowing difference between using a service and misusing a service how being a customer will know where customer went wrong and misused it unknowingly ?

In future how to consumer will make sure they are using TSP unlimited call service and not misusing it, without knowing how much many calls to make or how much duration they should talk in particular duration, every they will make call they will fear their call service will get barred, this is the transparent way to provide service to the consumers by TSPs as per TRAI regulations ? If this state of fear among consumers giving any value addition as far all stake holders are concerned & to giving any value addition to the TRAI motto orderly telecom of industry ?

As per TSPs, regarding outgoing call barring, there is no fixed criteria set for determining excessive usage, & as per them analysis based on combination of multiple factors as per an automated process designed, leads to the determination of unfair use/misuse/fraudulent use/unauthorised telemarketing or commercial use by a subscriber, I think it is also against the rules of DOT'S license agreement, which TSPs have signed before getting license.

As per TRAI guideline TSPs are required to intimate TRAI/consumer if they are setting any FUP limit, but consumer are not informed regarding that, TSPs argument is that they are not setting any FUP limit but they are putting misuse/use limit & not fairuse limit, to control fraudulent or other commercial, tele marketing use of personal nos,  
I just wonder what is the difference between unfair use & misuse, TSPs are

limiting the consumers calls, whether it is termed as misuse or unfair use how does it matter, & do TRAI think for Fair/unfair use policy TSPs need to give exact limit to bar calls, but for use/misuse policy TSPs don't need to give exact limit , what may be the common sense behind it,

I think be it for unfair-use/fair-use or for use/mis-use exact defined limit need to be mentioned in public domain transparently & if any one crossing that limit be it fair use limit or misuse limit their service can be barred as per defined & transparent rule. & If this limit not only restricted to outgoing call, & incoming call, mobility of the simcard & other criterias are also taken into account, it should be clearly, transparently, in a defined & transparent manner should be mentioned. I think it will give a fair chance to consumer atleast genuine customer who are crossing the limit unknowingly a opportunity to rectify themselves,I guess this will be beneficial for all stake holder to avoid any confusion, for that purpose a well defined unambiguous direction, laws, rules & regulations need to be in place from TRAI/DOT end.

I think this will be beneficial not only from consumers point of view, but from TSPs point of view, because when one particular TSP will bar calls of the consumers, without giving any proper reason & only by saying due to misuse it is barred, without even giving them any guideline to be followed to avoid misusing the no again, do tsps think they can retain that consumer with them in this competitive field ? Even if they are sending consumer a warning message to reduce no of call etc without giving any specific countable limit they really think consumer can limit them selves ? Even if they again recharge again every time they will make a call they will think their call can be barred any time, if this state of fear on customers will give any value addition as far their business interest is concern ? As clear defined limit of calls or other criteria will be beneficial for consumer as well as for operators.

<https://main.trai.gov.in/faqcategory/broadband>, for Internet for unlimited data plans trai directive says " TRAI has mandated the Telecom Service Provider clearly

specifying their fair usage limit and the data speed to be provided after the fair usage limit gets exhausted." Then for unlimited call plans why TRAI is not mandating

Telecom Service Provider clearly specifying their fair usage limit, what may be the logic behind that ? What is justification of TRAI ? Don't TRAI think they should issue a clear a mandate for call service also to be followed by TSPs to give a clear use limit if any like data service ?

DOT unified licensing agreement as available in DOT website [https://dot.gov.in/sites/default/files/Unified%20Licence\\_0.pdf](https://dot.gov.in/sites/default/files/Unified%20Licence_0.pdf)

"The call detail records for outgoing calls made by customers should be analyzed

for the subscribers making large number of outgoing calls day and night and to the various telephone numbers. Normally, no incoming call is observed in such cases. This can be done by running special program for this purpose. The service provider should devise appropriate fraud management and prevention programme and fix threshold levels of average per day usage in minutes of the telephone connection; all telephone connections crossing the threshold of usage should be checked for bonafide use. A record of check must be maintained which may be verified by Licensor any time. The list/details of suspected subscribers should be informed to the respective TERM Cell of DoT and any other officer authorized by Licensor from time to time."

Here TSPs are barring outgoing calls of consumers by giving reason like, determination of misuse is not based on a fixed number of minutes criteria but is a dynamic machine based algorithm that considers total number of voice calls pertaining to a mobile number, the ratio of outgoing calls to incoming calls in case of heavy users, the mobility of the SIM card i.e. the number of BTSs the SIM card latches onto etc.

So it is evident TSPs are barring calls of the customers based on no of calls, but they are not disclosing the exact no of calls based on which they are doing so, TSPS are taking incoming calls into consideration while judging misuse/unfair use & barring outgoing calls, which not only not against licensing terms & conditions but it is common sense that for barring outgoing calls incoming calls should not be a factor, barring initial few years, in Indian telecom industry incoming call is always free & no operators objected & taken incoming call into consideration while judging misuse, not sure how come incoming calls are judged as criteria to bar outgoing calls, if TSPs are considering that as criteria how come consumer can know that, where from they will get incoming call history, is it available in TSPs website ? if TSPs are not sharing the algorithm, perfect ratio of outgoing call incoming call ratio based on which they are bar/block customer calls. how the consumer can know that, & even if they share the idea outgoing call to incoming call ratio based on which they bar calls, is it practically possible for consumer before every call they calculate if they are maintaining ideal call ratio so that their call service are not barred.

as per licensing terms & condition TSPs are suppose to set a defined threshold limit to prevent fraud etc, but the previously all the TSPs were maintaining that, but now they have removed that capping going against the licensing terms & conditions, & it should be apparently a customer friendly initiative, but they have kept a T&C along with this unlimited plans that in case of misuse they can bar customer's call/service, so it is giving them a tool block calls of the customers when ever they feel like, now after selling plans saying it is truly unlimited calls, they are blocking the calls for even less then 10 calls per day, for talking approx 1-2 hours per day, if this is justified as per TRAI rules & regulations, if TSPs daily limit is say eg 1 call per day, or talking for say 5 min per

day, be it like that, but let them declare that transparently, if consumers are ok with that let them go for it.

& last point is most serious in nature, if TSPs are really considering, checking, analysing mobility of consumers sim cards, no of BTS the sim card latch onto if that is not a serious issue, because if there is any common sense to check if some consumers are misusing the voice service or not, doing fraudulent activity or not, theirlocation, mobility of sim cards are getting tracked, if this is justified as per TRAI ? If TRAI or DOT have any knowledge regardingg that, if that is justified as per TRAI/DOT/ GOVT OF INDIA ? If yes then if that is written any where in TRAI/DOT/GOVT OF INDIA/TSPs website that consumers sim mobility,movement can be tracked,analysed all the time, if for sake the sake of argument let us assume tracking & analysing sim mobility. movement is required to determine fraud, in that case would like to know what is the common sense behind it & if by doing so consumers are forced regulate their sim movement in turn their own movement, because it is common sense sim mobility is directly related to sim owners mobility, if their sim movement need to be regulated, how come consumers will be able to know that ? Where from that can histor where their sim mobility, to which BTS their sim is latching onto, so as to keep track on that to avoid misuse.If same history/log is available for consumers to access ? If not based on that criteria judging misuse of sim card is justified ? If consumer should not have any access to that data based on which their sim is getting barred? & above all if TRAI OR GOVT OF INDIA don't think it is invasion to ones privacy to track, check & analyse consumer sim movement 24X7 ? If this should be allowed in country like India ? To get hold of misuser, fraudulent person all the consumers every movement getting tracked, analysed, checked. if Govt Of India, Telecom Ministry, DCC, DOT, TRAI approve this ? If we should not term it as snooping , as per google, snoop means "investigate or look around furtively in an attempt to find out something, especially information about someone's private affairs." if I am wrong is I am terming this as snooping on me ? If govt Of India or Indian constitution allow any one to track,analyse on its citizen, track their sim movement inturn consumers movement without any valid reason or proof ?If this is making consumers helpless & vulnerable that being a telecom customer they are forced to compromise on their privacy, If under law of the land if as a consumer one is suppose to face this breach of privacy ? If TSPs are allowed to carry on with this practice as per TRAI rule ? If so if this should not be clearly & transparently intimated by TRAI,DOT,DCC, Govt Of India & TSPs that they are allowed to track movement, mobility of sim card of consumers ? As per Supreme Court judgement & landmark decision, the Supreme Court on August 24, 2017 unanimously ruled that the right to privacy was a fundamental right under the Constitution. A nine-judge Constitution bench headed by Chief Justice J.S. Khehar ruled that "right to privacy is an intrinsic part of Right to Life and Personal Liberty under Article 21 and entire Part III of the Constitution" quoting from a leading news paper <https://www.thehindu.com/news/resources/supreme>

court-verdict-on-right-to-privacy/article19551827.ece

If TRAI don't think by tracking mobility of the simcard the concerned TSPs & by allowing TSPs to carry out that TRAI,DCC,DOT,Govt Of India going against that rule & Indian constitution, which says right to privacy is a fundamental right of the citizens, & if their is any logic behind tracking, analysing this mobility of the sim cards to determine misuse/commercial use/tele marketing use, I just wonder what may be the justifiable common sense behind it ?

On this context would like to quote from Govt of India's statement as available in public domain, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=170206>

" Statement on behalf of The Government – on The Supreme Court Judgement on Right to Privacy"

"The nine-judge Bench Supreme Court judgement has today pronounced in the "Privacy Case" by upholding the Right to Privacy as one protected by Article 21 of the Constitution of India. The Government welcomes the view of the Supreme Court, which is consistent with all the necessary safeguards that the Government has been ensuring in its legislative proposals which had been approved by Parliament."

" It is contended and broadly it is now accepted that privacy is a part of the individual liberty. So when Article 21 says, "no person shall be deprived of his Right to Life and Liberty without procedure established by law". Then let us assume that privacy is a part of liberty and no person shall be deprived of his privacy without procedure as established by law. The underlying point is that privacy is not an absolute right. It is a right even in our Constitution. If it is a Fundamental Right under Article 21, which is subject to restriction that it can be restricted by a procedure established by law, that procedure established by law obviously has to be fair, just and reasonable procedure."

" The Government is of the clear opinion that its legislations are compliant with the tests laid down in the judgement. The Supreme court has stated that "...requires a careful and sensitive balance between individual interests and legitimate concerns of the State. The legitimate aims of the State would include for instance protecting national security, preventing and investigating crime, encouraging innovation and the spread of knowledge, and preventing the dissipation of social welfare benefits." The Government is committed to this object."

As intimated by Govt & Supreme Court Of India, right to privacy is fundamental right of citizen of India, & without legitimate concern right to privacy of the citizen should not be compromised, so if TSPs are checking sim mobility of all consumers without their knowledge just to know who is misusing their service if that is justified & inline with constitution of india, supreme court verdict & govt of india's directive ?

So from above discussion it is quite evident new well defined, countable,

transparent rules should be introduced by TRAI to protect basic rights of the customers, present system which is under forbearance is not at sufficient to protect consumers interest.

**Question 2: If the answer to the Question 1 is yes, then please give your views regarding desirability of publishing tariffs on various modes of communication viz., TSP website/Portal,**

**App, SMS, USSD message, Facebook, WhatsApp, Twitter, Customer care centers, Sales outlets etc. If the answer to the question is that tariffs should be published on multiple channels as above, please state whether TRAI should prescribe a separate format for each channel. Please also suggest the essentials of the format for each channel.**

**Answer :** I think this very logical & common sense that more medium should be used to reach maximum no of stake holders regarding tariff, more different platform used to broadcast the tariff plans will increase probability reaching more consumers & informing them about the tariff plans. but I think one format should be used for all mediums , otherwise different format for different medium will create confusion among consumers, one & identical format should be used by all TSPs. It makes no sense to use different format different platform.

**Question 3: Whether the extant format prescribed for publishing tariff at TSP's website conveys the relevant information to consumers in a simple yet effective manner? If no, please provide the possible ways in which the same can be made more effective?**

**Answer :** There is no extant format only rule as informed TRAI is & I quote "At present, the tariff for mobile services except for national roaming service and USSD00000 15

is under forbearance. The telecom service providers (TSPs) have a flexibility to design and offer tariff as per prevalent market conditions, subject to the condition that these tariffs have to be consistent with the regulatory framework and regulatory principles which, inter alia, include transparency, non-discrimination, non-predation etc. to ensure protection of consumer interest and orderly growth of the sector."

So the extant rule is not effective that TRAI has also agreed that is why they launched this transparency consultation paper which itself says a new format is required for displaying tariffs in telecom sector.

Main issue is that TRAI has kept the tariff issues under forbearance & allowing TSPs design the tariff plans & related rules & regulations as per their

choice & business requirements, TRAI has not given any clear instruction other than saying the rules & regulations has to "transparent" "non-discrimination" "non-predation", which are to my opinion are not clear, ambiguous, transparent & defined words unless & until it is defined, so every TSPs are taking advantage of that to make rule as per their own choice, when customer, DOT, DCC, TRAI, are questioning their transparency they are saying no it is transparent(as per their own view), So I think we need a clearly defined transparent system to be in place, rather than a undefined transparent system now TRAI will do it through forbearance or take control of the system themselves they can decide as per their choice, & hope they will take decision that will be beneficial for Telecom Industry as a whole including TSPs & consumers.

**Question 4 : Whether the service providers be required to publish all the tariff offerings and vouchers in addition to the publishing of tariff plans, in the prescribed format? Please provide rationale for your response.**

**Answer :** Yes it should be published along with tariff plans, it will help consumer to get the exact effective tariff value & help customer to compare with other tariff plans of same other TSPs, it will also help consumer to know & decide different tariff & offer/voucher in single go if they are published together. Practically many third party offers & vouchers are not displayed in TSPs page, though both of have tied up, so if the offer is getting displayed in the offer section of TSPs, consumer will get that information, compare all offer/voucher at the same time, I think it will be beneficial for consumer & from TSPs & concerned third parties who are giving the offer in tieup with the TSPs. It will be win-win situation for both consumer & TSPs.& i think it is more transparent way to publish the tariff plans.

**Question 5: Whether there is a need to mandate TSPs to introduce a tariff calculator tool to convey the effective cost of enrolment and continued subscription? If yes, what can be the essential features of such a tool? If the answer is in negative, then please give reasons for not mandating such a tool.**

**Answer :** Surely, it will give customer a clear idea how much total money effectively they are spending to buy a service, minimum subscription plans & other plans with related features & within how many days they have to recharge again to keep the service active as per TRAI directive it will give customer clear idea how much they need to spend effectively to get the service as per their choice.

**Question 6: Whether the service providers be asked to disclose clearly the implications of discontinuation of tariff plan after expiry of mandatory tariff protection period of six months on the provision of non-telecom services offered as a part of the bundle at the time of subscription to a particular plan? If yes, what should be the exact details that service providers may be required**

**to provide in case of bundled offerings? If the answer is in negative, then please give reasons for not mandating such a disclosure**

**Answer :** Yes as mentioned in previous point this details should be available for the customer like minimum period for recharge & maximum period in between 2 recharge & if within stipulated time period no further recharge is done what will happen to the money they have already spent should be clearly mentioned in T&C for clear understanding of the consumers.

**Question 7: Whether the service providers be required to provide a declaration while reporting tariffs to TRAI and displaying tariffs through its various channels that there are no terms and conditions applicable to a tariff offering other than those disclosed here? Do we require additional measures to ensure that all the terms and conditions are clearly communicated to the subscribers and the Authority? If the answer to the above is yes, then please provide your suggestions in detail. If you do not agree with the above requirement, please provide detailed reasons for the same.**

**Answer :** Yes TSPs should give a undertaking there is no other terms & condition other then mentioned ones before taking under taking from consumers they will abide by **TSP's t&c**, suggestions already given in pints above a clear defined unambiguous rules should be in place as discussed above to avoid in misuse by either TSPs or by consumers.

**Question 8: Whether the service providers be required to publish details of all plans in the prescribed format including the plans not on offer for subscription but active otherwise? Please support your answer with rationale.**

**Answer :** Agree with TRAI points as explained by them in this consultation paper.

**Question 9: Whether the service providers be required to update the information on point of sale and retail outlets simultaneously with the launch/change of a tariff offer?**

**Answer :** Yes they need to update the information everywhere to avoid any kind of confusion, same set of information should be available with every stake holder.

**Question 10: Whether the tariffs published in prescribed formats are displayed on websites of the service providers in an effective manner? If no, should the manner of display on website may also be prescribed by the Authority? If it is felt that the manner of display on website may be prescribed by the Authority, please give your views on the proposed display framework.**

**Answer :** As intimated whether TRAI will keep it in forbearance or not TRAI can decide as per wisdom, but they should prescribe defined rule with some defined words &

not by simple undefined words like transparent, which is interpreted differently by each stake holder as per their requirement & rule or wisdom, & this is creating a confusion among all including TRAI.

**Question 11: What are your views on introduction of concept of unique id and requiring the service providers to link the tariff advertisements etc. with corresponding tariffs published in TRAI prescribed formats including requirements to publish dates of implementation of tariff and that of reporting of tariff. Do you think that any other safeguards need to be introduced? If yes, please elaborate. Please support your answer with rationale.**

**Answer :** It will be a good & user friendly concept, because if unique id given for each plan, it will help distinctly identify each plan based on its nomenclature, reduce the chance of confusion & in turn reduce wrong recharge & help consumer choose right recharge plan for them selves.

**Question 12: Whether the proposed monitoring and compliance mechanism is enough to deter any violation of compliance with applicable regulations/directions. If no, please suggest further safeguards that may be introduced to ensure a robust monitoring and compliance mechanism.**

**Answer :** In consultation paper on Establishment of the Office of Ombudsman in the Telecommunication Sector  
<https://main.trai.gov.in/sites/default/files/Consultation%20Paper%20-%20Ombudsman.pdf>, where TRAI mentioned & I quote

" Though there is no system in place in TRAI to redress individual consumer complaints (which are to be addressed by consumer courts/ fora), or disputes between service providers and group of consumers (which are to be addressed by TDSAT), TRAI keeps on receiving complaints from the general public both pertaining to the problems of individuals as well as of generic nature. It is, therefore, evident that, there is a need to establish an internal mechanism like in other sectors such as insurance and banking, to deal with individual consumer grievances. One way of doing this is through establishment of an office of Ombudsman for the telecom sector."

"It will be clear from the provision above that individual complaints are addressable to the consumer dispute machinery set up under the Consumer Protection Act, 1986. Under the Act, TRAI is supposed to lay down quality of

service standards and TDSAT is supposed to adjudicate disputes between a service provider and a group of consumers."

"With the mandate available under the TRAI Act, so far the Authority has been able to put in place the Regulations referred to in para 1 above. However, these Regulations are of no help either to the regulator or to the Department concerned for addressing the individual complaints of the consumers. Under provisions of TRAI Act, neither the Telecom Regulatory Authority of India (TRAI) nor the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) have the powers to adjudicate/address individual consumer complaints."

& in Department of Telecommunication website it is mentioned <https://dot.gov.in/public-grievances> & I quote

" However, in case a grievance is not redressed even after exhausting the procedure as prescribed above, an individual complainant without prejudice to his right to approach an appropriate Court of Law, may approach Public Grievance Cell of Department of Telecommunications (DoT),  
607, Mahanagar Door Sanchar Bhawan, Old Minto Road, J. L. Nehru Marg, New Delhi 110002 along with all documentary evidence(s) for non-redressal of his grievance at concerned Service Provider level ."

"The complaint so registered is forwarded to the concerned service provider / subordinate organization(s) and / or to the concerned unit in DoT with an advice to take appropriate action in the matter and to inform the complainant regarding the action taken towards the redressal of grievance."

"The grievance is to be redressed by concerned service provider/ concerned forwarded organizations only. PG Cell of DoT acts only as a facilitator in the redressal process and is not vested with any powers to penalize the service provider for not redressing the grievance to the satisfaction of the complainant or for delay in redressing the grievance."

So it is very evident none of the Govt organisation be it TRAI, DOT, DCC, TDSAT have the power or jurisdiction to solve individual customers complains, even in presence of a robust system in place there should be a forum where consumer can reach if they are not getting proper service as per mentioned rules or TRAI/DOT/TDSAT/TSPs. Since the amount involved is very less, in telecom industry to approach consumer court or other judicial body for redressal is not feasible or possible considering time & money involved, so a with a 3 tier grievance redressal policy or establishment of Telecom Ombudsman will help the consumer to get resolution of their issues more easily & with tariff & other rules & regulations policy being under forbearance or control of TSPs a telcom ombudsman is really need of the

hour, TRAI/DOT/DCC/TDSAT & Govt Of India should take initiative to protect interest of the customers & as mentioned above they need to make sure fundamental right of the consumers are protected & their privacy is protected & their sim movement etc are not tracked unnecessarily.

TRAI has already approved establishment of Telecom Ombudsman, & sent the same to DOT for approval.

TRAI has come up with consultation paper for the same also previously. Sent multiple letters to DOT for approval for establishment of Telecom Ombudsman.

relevant URLs are as follows,

[https://main.trai.gov.in/sites/default/files/Letter\\_DoT\\_10032017.pdf](https://main.trai.gov.in/sites/default/files/Letter_DoT_10032017.pdf)

[https://main.trai.gov.in/sites/default/files/Recommendations\\_ComplaintsGrievance\\_10032017.pdf](https://main.trai.gov.in/sites/default/files/Recommendations_ComplaintsGrievance_10032017.pdf)

<https://main.trai.gov.in/sites/default/files/Consultation%20Paper%20-%20Ombudsman.pdf>

[www.businessstoday.in/pti-feed/no-yet-apprised-of-govts-decision-on-telecom-ombudsman-trai-to-dot/story/319493.html](http://www.businessstoday.in/pti-feed/no-yet-apprised-of-govts-decision-on-telecom-ombudsman-trai-to-dot/story/319493.html)

Letter details sent by TRAI to DOT as follows,

No 358/1/2016-CA .Dated: 10th March, 2017

F.No.258-1/201- CA I267 Dated- 11.02.2019

F.No. 258-1/2016-CA Dated: 22.04.2019

In one of the letters TRAI has written as per news paper report (DOT) informed the Parliamentary Standing Committee in a recent meeting that the government has approved a three-tier structure for resolution of consumer grievances in the telecom sector through setting up of an ombudsman. "However, TRAI has not received any communication from the Government in this regard,"

As per DOT " TRAI's recommendations on complain/grievance redressal in telecom sector dated 10th March was examined by PG cell, DOT, after examination, a note was submitted to Digital Communication Commission(DCC), by policy cell & DCC approved setting up of an Institution of Ombudsman.

So I guess TRAI, DOT, DCC, Telecom Ministry has already approved the establishment of Telecom Ombudsman for proper resolution of consumer grievance , which is need of the hour & like banking sector if ombudsman is set up & a 3 tier grievance redressal system is made, & if as mentioned & explained above a well defined, transparent tariff system is established by TRAI a real transparent system can be made which will help in making a system which will help in orderly growth of the Telecom sector & help consumer get proper resolution of their tariff related & other relevant issues.

**Question 13: Any other issue relevant to the subject discussed in the consultation paper may be highlighted.**

**Answer :** Nothing as such, all relevant points are covered in above answers

**regards,**

**Pathikrit Roychoudhury**