



Telecom Regulatory Authority of India

**Authority's Response to
Department of Telecommunications' Back Reference dated 19th April, 2018
on
the Authority's Recommendations dated 9th May, 2016 & additional
Recommendations dated 14th June, 2017 on
Sale/rent of International Roaming SIM cards/Global Calling Cards in India**

New Delhi, 25th June 2018

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Chapter-I: Introduction

- 1.1 The Authority made its recommendations to the Department of Telecommunications (DoT) on the 9th May, 2016 on “Sale/Rent of International Roaming SIM Cards/Global Calling Cards in India”.
- 1.2 The DoT vide their letter dated 10th March, 2017 had stated that the above recommendations were under active consideration. DoT further requested to intimate if any additional recommendations are planned to be submitted by TRAI.
- 1.3 After due deliberations, the Authority had finalized its additional recommendations and sent it to DoT on 14th June, 2017.
- 1.4 The recommendation number 4, 8, 9 & 10 of Recommendations dated 9th May, 2016 and recommendation no. (a) to (e) of additional recommendations dated 14th June, 2017 have been referred back by the DoT through its letter dated the 19th April 2018 to the Authority to provide its reconsidered recommendations in the light of comments/ observations of the DoT.
- 1.5 The Authority’s earlier recommendations & additional recommendations, the views of the DoT thereon, and the response of the Authority are given in the Chapter- II.

Chapter-II: Para-wise Response

2.1 The Authority's earlier recommendations No. 4:

“Upon reaching the country of destination, the consumer shall be provided toll free customer care service by the foreign partner with whom the Indian NOC holder has commercial agreement with”

2.2 DOT's comments/observations on Authority's Recommendation No. 4:

Customer care number as provisioned by the foreign partner shall be provided to the customer by the Indian NOC holder. In view of this, the TRAI is requested for its reconsidered recommendation.

2.3 Response of the Authority on DOT's View regarding Recommendation No. 4:

The Authority agrees with the views of the Department to this extent that customer care number of the foreign partner shall be provided to the customer by the Indian NOC holder. However, it is important to note here that, customer care number should be a toll free service so that the customer can inform the foreign TSP in case of any difficulty in availing the services. Once a customer has paid for the services to the Indian NOC holder, he/ she should not be required to pay any additional amount for availing the trouble free services. Accordingly, the Authority reiterates its earlier recommendation i.e. *“Upon reaching the country of destination, the consumer shall be provided toll free customer care service by the foreign partner with whom the Indian NOC holder has commercial agreement with”.*

3.1 The Authority's earlier Recommendation No.8:

The customer should be given the option by the firm to choose a data service or a voice service or combination of both.

3.2 DOT's View on Authority's Recommendations No.8:

The NOC holder should offer voice service, data service or combination of both as provisioned by the foreign partner clearly intimating the type of service offered to the customer. In view of this, the TRAI is requested for its reconsidered recommendation.

3.3 Response of the Authority on DoT's view regarding Recommendation No. 8:

The foreign service providers may offer bundled services i.e inseparable voice and data services where as the consumer may be interested in availing only voice or data services. The bundled services (Voice & Data) may attract high rates of tariff, resulting in the user being forced to pay for the services which he/she may not be willing to avail. In view of the foregoing, the Authority reiterates its earlier recommendations of giving choice to the consumer to choose data, voice or combination of voice and data services.

4.1 The Authority's earlier recommendations No. 9:

In respect of a postpaid connection, there shall be a credit limit which may be fixed as per the customer requirement and transparently informed. The customer shall be informed through SMS/USSD message upon reaching 70% of the credit limit. If the credit limit is breached the services should be barred till such time the customer deposits the necessary amount with the operator.

4.2 DOT's View on Authority's Recommendations No.9:

In respect of a postpaid connection, there shall be a credit limit as provisioned by the foreign partner and transparently informed in advance through SMS/USSD message prior to reaching the credit limit. If the credit limit is breached the services should be barred till such

time the customer deposits the necessary amount with the operator. In view of this, the TRAI is requested for its reconsidered recommendation.

4.3 Response of the Authority on DoT's view regarding Recommendation No. 9:

In respect of a post-paid subscriber, the credit limit as provisioned by the foreign partner of the NoC holder may not be as per requirements of the subscriber. The credit limit should be decided on the basis of subscriber's requirements of services, duration, and the financial repercussion. In view of the foregoing, the user is in the best position to decide on the credit limits in case of the post paid connections. There is a need to incorporate better granularities of credit limits offered by the NoC holder for better customer experience. Further, to avoid bill shock and facilitate informed decision making, the percentage of credit limit at which the subscriber shall be alerted through SMS/USSD message need to be informed to subscriber at the time of subscription. Accordingly, the Authority has reconsidered the issue, and, to avoid the discomfort and inconvenience to the customers, has decided to reiterate its earlier recommendation.

5.1 The Authority's earlier recommendations No. 10:

The holder of NOC for sale/rent of International SIM card should be answerable to TRAI. The terms and conditions of NOC should be suitably modified to make the firms providing sale/rent of global or country specific SIM cards responsive to TRAI by adding a clause

'To provide information to Telecom Regulatory Authority of India (TRAI) as may be called for from time to time.'

5.2 DoT's View on Authority's recommendations No.10:

Presently, the PG cell of DoT handles the customer grievances and the NOC holder companies are responsive to DoT, being the NOC issuing

authority. Similar practices are in vogue for other non-licensed services for which NOC or Registration is issued by DoT. However, TRAI may indicate the type of information which is intended to be called and how the same will be utilized. In view of this, the TRAI is requested for its reconsidered recommendation.

5.3 Response of the Authority on DoT's view regarding Recommendation No. 10:

As per the preamble of the TRAI Act, the Authority is inter-alia responsible to protect the interests of consumers of the telecom sector. These NOC holder International SIM card/Global calling card service providers provide their services to the consumers. Accordingly, to fulfil its responsibility, the Authority may from time to time require information relating to consumer grievance redressal, tariff, and QoS being offered by them. Therefore, the Authority has decided to reiterate its earlier recommendation.

6.1 The Authority's earlier additional recommendations (a):

No Objection Certificate (NOC) issued to 23 Companies/Service providers who did not respond to the letter issued by TRAI on 27 August, 2016 be processed for cancellation. Also, actions may be initiated against the nine firms who have changed their address and have not intimated the same to DoT.

6.2 DOT's View on Authority's additional recommendations (a):

The process of grant of NOC for sale/rent of International Roaming SIM card is administered by DoT and the NOC holder companies are responsive to DoT, being the NOC issuing authority. In view of this, the TRAI is requested for its reconsidered recommendation.

6.3 Response of the Authority on DoT's view regarding additional recommendation (a):

The Authority does not agree with the position of DoT. The process of consultation and resulting recommendation was initiated after a large number of complaints were received by the Authority regarding poor performance of SIMs rented by the NoC holders to subscribers. In this process the list of all the NoC holders along with their addresses was sought from DoT and efforts were made to contact all the NoC holders through the address provided by the DoT, so that, they can be consulted as stakeholder before releasing the recommendations of the Authority. 23 companies/ service providers did not respond to the questionnaire forwarded to them by TRAI, raising doubts about their intent to escape the process. Safeguarding consumer's interests of the telecom sector is one of the most important mandates of TRAI. In view of the above position, the Authority has decided to reiterate its earlier recommendation.

7.1 The Authority's earlier Additional Recommendations (b):

For making an informed decision before a customer purchases a calling card/International SIM it is recommended that each service provider should have a portal with the following features:

- i. Graphical User Interface (GUI) for the customers to see the network coverage of International SIM cards and Global cards being offered by the service providers.*
- ii. Customer complaints monitoring system (CCMS): Besides the Service Providers Website, Real time feed of the CCMS should be made available on the websites of DoT so that*

monitoring of complaints lodged and time bound redressals given can be viewed by the customers and DoT, as per following frame-work:

<i>S. No</i>	<i>Nature of Complaint</i>	<i>Max time duration for redressal</i>
<i>(a)</i>	<i>Non Activation of Services (Call/Data or both)</i>	<i>With-in 2 hours of lodging of complaints.</i>
<i>(b)</i>	<i>High billing/Over billing</i>	<i>With-in five working days from the date of lodging of complaint.</i>

- iii. Escalation Matrix with functional mobile numbers and email address of senior executives and officers should be provided to the customer along with the Card being bought so that he can approach them in case of difficulty.*
- iv. The CCMS should have a feature where in the customer after returning from his international visit is able to give feedback and obtain refunds if any from the service provider.*

7.2 DOT’s View on Authority’s additional recommendations (b):

- (i) The cards offered to the customers are usually country specific. The NOC holder company shall facilitate through its website to inform the customer regarding the availability of the services being offered by the service provider (NOC Holder Company). In view of this, the TRAI is requested for its reconsidered recommendation.
- (ii) to (iv) The customer complaint monitoring system for NOC holder companies shall be at par with the customers of Indian TSP going abroad using International roaming. The complaint redressal is the responsibility of the service provider. However, in case of grievance, the PG cell of TERM cells/DoT can be approached by the customers.

In view of this, the TRAI is requested for its reconsidered recommendation.

7.3 Response of the Authority on DoT's view regarding additional recommendation (b):

The NOC holder providing Global calling cards/International SIM cards may be viewed as an extension counter for provisioning of services of the foreign TSPs. Since the consumer purchasing the Global calling cards/International SIM cards from the NOC holder are bound by a mutual contract, the NOC holder is answerable to the consumers. NOC to the service providers of Global calling cards/International SIM cards is awarded by DoT hence it was felt that close monitoring of the consumer grievances and responses would facilitate in better services. In view of the foregoing, recommendations made earlier by the Authority are reiterated.

8.1 The Authority's earlier additional recommendations (c):

Purchase of Global Calling cards/International SIM cards be done through digital mode only i.e. Net Banking, Credit cards, Debit cards, e-Wallets. Following details are recommended to be captured in respect of each customer:

- i. Bank A/c details*
- ii. Aadhar Card*
- iii. PAN card*

8.2 DOT's View on Authority's additional recommendations (c):

The purchase of Global Calling cards/International SIM cards from NOC holder companies shall be at par with the process being followed to avail services from Indian TSPs. Further, SIM card from TSPs can be purchased by any means including digital mode. As per the existing policy, photo identity and address proof are mandated to be collected by the NOC holder company and the Copy of the passport of

the customer indicating valid visa shall also be obtained. In view of this, the TRAI is requested for its reconsidered recommendation.

8.3 Response of the Authority on DoT's view regarding additional recommendation (c):

The Bank account details were recommended to be captured from the customers in order to process early refund/penalty directly to the consumers account. Impetus has been given by the government to promote digital economy hence purchase of Global Calling cards/International SIM cards was proposed to be done through digital mode only i.e. Net Banking, Credit cards, Debit cards, e-Wallets as a means to promote digital transactions and discourage cash transactions. The Authority has decided to reiterate its earlier recommendation on purchase of Global Calling cards/International SIM cards through digital mode only.

9.1 The Authority's earlier additional recommendations (d):

In addition to the provision listed at point 7 of the Circular No 808-02/2014-CS-I dated 05 August, 2014 issued by DoT for levying of a penalty of Rs.500/- (Rupees Five Hundred) per hour for delay in activation of SIM/calling card beyond the time limit mentioned for activation of such cards in India; To compensate the customer, it is recommended that in case the customer reports non activation of services, no usage of the card for reasons beyond the control of the customer like poor network coverage, in-compatibility of handsets etc, the service provider, in case of Prepaid Card customer would refund the entire amount paid by the customer to the service provider. In addition, service provider should pay a penalty of Rs.5000/- (Rupees Five Thousand) to the customer as compensation for the inconvenience and incidental charges. In case of the Post-paid card customer also the service provider should pay the similar penalty of Rs.5000/- (Rupees

Five Thousand). In both the cases, the remittance of penalty and refund as applicable should be completed within Fifteen days of his/her return and reporting of non usage by the customer. Service provider before refunding the amount would ascertain the non usage of the card and the details of the same would be shared with the customer.

9.2 DOT's View on Authority's additional recommendations (d):

The present terms and conditions provide that the cards being offered to India Customers will be for use only outside India. However, it is essential to activate the card for making test calls/emergent calls before the departure of customer and/or after the arrival of the customer, the same shall be permitted for forty eight (48) hours only prior to departure from India and twenty four (24) hours after arrival in India and the company shall ensure that the time limit of activation of such cards in India is adhered to, failing which the Company shall be liable to pay a fine of Rs.500/- (Rs. Five Hundred only) per hour for each SIM/Calling cards for every extra hour of activation.

The processes of sale/rent of Global calling cards/International SIM cards from NOC holder companies and the grievance redressal and handling shall be at par with the process being followed to avail services from Indian TSPs to ensure a level playing field. As on date there is no provision of payment of penalty by TSPs to the customers in such cases. In view of this, the TRAI is requested for its reconsidered recommendation.

9.3 Response of the Authority on DoT's view regarding additional recommendation (d):

Level playing field is required to be ensured among the similarly placed entities. The Indian TSPs and NOC holder International SIM card/Global calling card service providers operate in two different spheres under different regulatory frameworks. While the TSPs are required to comply with the exhaustive license conditions, NOC

holder International SIM card/Global calling card service providers provide their services on the basis of simple NoC. Further, in case of non activation of services in the foreign territory, a customer of the NOC holder may require to incur considerable expenditure there for availing of the communication services. Since the consumer may be subjected to hardships due to non activation of services, no usage of the card for reasons beyond the control of the customer like poor network coverage, in-compatibility of handsets etc, he/she needs to be compensated for the same. In view of the foregoing, the Authority reiterates its earlier recommendations.

10.1 The Authority's earlier additional recommendations (e):

For early settlement of complaint, an Appellate Authority consisting of representatives from the Service provider and DoT be instituted. It may be made mandatory for the service providers to inform the users about the grievance redressal mechanism in case they find the services to be unsatisfactory. In case it is found that there are complaints of non working of cards are more than 10% of the total number of cards sold monthly by the service provider, then the NOC of the service provider be cancelled.

10.2 DOT's View on Authority's additional recommendations (e):

The processes and grievance redressal mechanism of sale/rent of Global Calling cards/International SIM cards from NOC holder companies shall be at par with the process being followed to avail services from Indian TSPs. In view of this, the TRAI is requested for its reconsidered recommendation.

10.3 Response of the Authority on DoT's view regarding additional recommendation (e):

As described earlier, in response of the recommendation (d), comparison between TSP and NOC holder is not tenable. The NOC

holder providing Global calling cards/International SIM cards act as an extension counter for provisioning of services of the foreign TSPs. An Agreement/Contract exists between the parties when a consumer purchases the Global calling cards/International SIM cards from the NOC holder. In case of poor performance of the cards, the NOC holder is answerable to the consumers. The Authority after examining the issue has decided to reiterate its earlier recommendations.