TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 6th JANUARY, 2012

No. 308-5/2011-QOS-----In exercise of the powers conferred upon it under section 36, read with sub-clauses (*i*) and (*v*) of clause (*b*) of sub-section (*1*) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations namely: -

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TELECOM CONSUMERS PROTECTION REGULATIONS, 2012

(2 OF 2012)

CHAPTER I
PRELIMINARY

1. Short title, commencement and application----(1)These regulations may be called the Telecom Consumers Protection Regulations, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) These regulations shall apply to all service providers [including Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, being the companies registered under the Companies Act, 1956 (1 of 1956)] providing,--

(i) Unified Access Services;

(ii) Cellular Mobile Telephone Service.

2. Definitions.----In these regulations, unless the context otherwise requires,-

(a) “Act” means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(c) “Cellular Mobile Telephone Service” -

(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;

(ii) refers to transmission of voice or non-voice messages over Licensee’s Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, however, Cell Broadcast is permitted only to the subscribers of the service;

(iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;

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(d) “consumer” means a consumer of a service provider to whom these regulations apply and includes its customer and subscriber;

(e) “Consumer Care Number” means a telephone number earmarked by the service provider to access its Complaint Centre;

(f) “electronic voucher” means a voucher in electronic form;

(g) “Licence” means a licence granted or having effect as if granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) or the provisions of the Indian Wireless Telegraphy Act, 1933 (17 of 1933);

(h) “monetary value” means the amount in rupees available to the prepaid consumer through the “Top Up Voucher”;

(i) “paper voucher” means a voucher in the printed form;

(j) “Plan Voucher” means a paper voucher or electronic voucher that enrols a consumer into a tariff plan;

(k) “Premium Rate Service” or “PRS” means service for which charges are levied at rates higher than the rates applicable to the consumer as per his tariff plan;
(l) “regulations” means the Telecom Consumers Protection Regulations, 2012;
(m) “service provider” means a licensee to whom these regulations apply;
(n) “SMS” means a message which is sent through short message service and includes a Multi Media message which is sent through Multi Media message service (MMS);
(o) “Special Tariff Voucher” or “STV” means a paper voucher or electronic voucher, which on activation alters one or more items of applicable tariff in the consumer tariff plan for a period not exceeding ninety days in terms of limited or unlimited usage of voice calls, SMS or data but does not provide any monetary value;
(p) “Start-Up Kit” or “SUK” means a kit or a packet containing items specified under sub-regulation (1) of regulation 3;
(q) "Tariff(s)" mean(s) rates and related conditions at which telecommunication services within India and outside India may be provided including rates and related conditions at which messages shall be transmitted to any country outside India, deposits, installation fees, rentals, free calls, usage charges and any other related fees or service charge;
(r) “tariff plan” means the details of tariff applicable to all the telecommunication services offered by the service provider under a given plan;
(s) “Top Up Voucher” means a paper voucher or an electronic voucher providing additional monetary value to the prepaid consumer without any restriction in terms of validity or usage;
(t) “Unified Access Services” - (i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wired or wireless telegraphy ; (ii) refers to transmission of voice or non-voice messages over Licensee’s Network in real time only but service does not cover broadcasting of any messages, voice or non-voice, except, Cell Broadcast which is permitted only to the subscribers of the service;

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(iii) in respect of which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;

(u)"Value Added Services" means services which are offered to add value to the core services, the core services being voice calls, voice or non-voice messages and facsimile transmission;

(v) "voucher" means a card or a coupon in printed or electronic form, which is offered, marketed and sold by a service provider to consumers for adding monetary value to the pre-paid account or for altering one or more items of applicable tariff for a pre-defined period or for subscription to a tariff plan;

(w) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations and tariff orders made there under, shall have the meanings respectively assigned to them in the Act or the rules or other regulations or tariff orders, as the case may be.

CHAPTER II

PRESENTATION AND MARKETING OF VOUCHERS

3. Start-up Kit.----(1) Every service provider shall, within forty five days from the date of issue of these regulations, ensure that a Start-Up Kit is provided to consumers at the time of enrolment into the network, containing, *inter alia*,---

(a) SIM card, if applicable;

(b) a mobile number, in cases where the subscriber is enrolled other than through mobile number portability;

(c) information about the type of connection- prepaid or post-paid;

(d) information about Customer Care Number and General Information Number as specified under regulations 3 and 4 of the Telecom Consumers Complaint Redressal Regulations, 2012;

(e) abridged version of the Citizen's Charter, as specified under regulation 17 of the Telecom Consumers Complaint Redressal Regulations, 2012.

(2) The Start-Up Kit shall not contain any Plan Voucher or Special Tariff Voucher.

4. Vouchers----(1) Every service provider shall, within forty five days from the date of issue of these regulations, ensure that only the following vouchers are offered or marketed or sold to the consumers, namely:-

(a) Plan Voucher;

(b)Top Up Voucher; and

(c)Special Tariff Voucher;

Provided that the Authority may specify any other category of vouchers.

(2) Every service provider shall ensure that ----

(a) a Plan Voucher ---

(i) is used only to enrol a consumer into a tariff plan;

(ii) does not provide any monetary value;

(iii) if offered in the form of paper voucher, the information about the tariff plan is printed in font size of not less than eight points;

(b) a Top Up Voucher ---

(i) offers only monetary value expressed in rupees;

(ii) does not have any restriction on its validity or usage;

(iii) if offered in the form of paper voucher, the information about the Maximum Retail Price (MRP), processing fee, applicable tax and net value available to the consumer is printed in font size of not less than eight points;

(iv) does not contain any administrative or processing fee beyond the ceiling specified by the Authority;

(c) a Special Tariff Voucher ---

(i) clearly indicates the plan to which it is applicable;

(ii) clearly indicates the tariff for different items;

(iii) clearly indicates the validity period of the voucher;

(iv) is offered on a standalone basis and does not provide any additional monetary value to the consumer; and

(v) if offered in the form of paper voucher, information about the features, including activation restrictions, are printed in font size of not less than eight

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points.

(3) Every service provider shall ensure that Plan voucher and Top Up Voucher are marketed only as 'Plan voucher' and 'Top Up Voucher' respectively, whereas the Special Tariff Voucher can be marketed under any name of its choice.

5. Colour band on paper vouchers----(1) Every service provider shall, within forty five days from the date of issue of these regulations, ensure that for easy identification by the consumers, paper vouchers are printed in the following colour band :-

(a) red colour band for Plan Voucher;

(b) green colour band for Top Up Voucher; and

(c) yellow colour band for Special Tariff Voucher.

(2) Every service provider shall print the colour band specified in sub-regulation (1), on the reverse side of the paper voucher, horizontally stretching from one end to the other end in a clearly visible manner.

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CHAPTER III

INFORMATION TO CONSUMERS

6. Information to pre-paid consumers on activation of a voucher.---- Every service provider shall, within forty five days from the date of issue of these regulations, immediately on activation of a voucher, provide through SMS to the pre-paid consumer the following information :-

(a) on activation of Plan Voucher:-

(i) title of the plan ; and

(ii) validity period of the plan;

(b) on activation of Top Up Voucher:-

(i) total amount charged;

(ii) processing fee or administration charge as the case may be;

(iii) taxes deducted;

(iv) net monetary value added; and

(v) total available monetary value;

(c) on activation of Special Tariff Voucher:-

(i) total amount charged;

(ii) validity period of the voucher; and

(iii) benefits specific to the voucher.

7. Information to pre-paid consumers relating to usage.--- Every service provider shall, within forty five days from the date of issue of these regulations, immediately on making any deduction from the account of a pre-paid consumer, provide through SMS, the following information:-

(a) after every call, --

(i) duration of the call;

(ii) charges deducted for the call;

(iii) balance in the account; and

(iv) in case of Special Tariff Voucher, minutes of usage deducted and balance minutes of usage available;

(b) after every session of data usage over mobile, ---

(i) quantum of data usage;

(ii) charges deducted; and

(iii) the balance in the account;

(c) after activation of any service including Value Added Service, --

(i) amount deducted;

(ii) purpose for which the amount has been deducted;

(iii) balance in the account; and

(iv) the validity period of the Value Added Service.

Provided that the provisions of this regulation shall not apply to a consumer if he is outside his service area.

8. Past Usage details in respect of pre-paid mobile connections---Every service provider shall, within forty five days from the date of issue of these regulations, on request from any prepaid consumer, provide to such consumer at reasonable cost, within a time period of thirty days of receipt of such request, information relating to

(a) itemized usage charge for all calls;

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(b) number of SMS sent and the amount charged for such SMSs;

(c) Value Added Services availed and the amount charged for such service;

(d) Premium Rate Service availed and the amount charged for such service;

(e) roaming charges;

Provided that it shall not be obligatory on the part of the service provider to provide information for any period beyond the period of six months preceding the date of request.

Explanation:- For the purposes of this regulation, "reasonable cost" means charges not exceeding rupees fifty or charges payable by the post paid consumers of the same service provider for obtaining similar information, whichever is lower.

9. Establishment of facility for providing information about the account of the consumer ----Every service provider shall, within forty five days from the date of issue of these regulations, establish or allot a separate toll free short code to enable the consumers to seek, through SMS, the following information:-

(a) tariff plan opted by the consumer including,--

(i) rates for local and long distance (STD) calls, and differential charges, if any, applicable for on-net and off-net usage;
(ii) rates for SMS;
(iii) rates for data service;

(b) balance available in the account of the pre-paid consumer; and

(c) Value Added Services activated on his telephone number;

Provided that it shall not be obligatory on the part of the service provider to provide information to a consumer who is roaming outside the country.

10. Premium Rate Service and Value Added Service ----(1)Every service provider providing or giving access to a Premium Rate Service shall ensure that the rate of such call is conveyed to the consumer through a voice alert prior to the materialisation of the call;

Provided that the voice alert shall be in English and the local language of the service area.

(2) Every service provider shall, on activation of a value added service, inform the consumer, through SMS, the validity period of such service, the charges for

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renewal and the procedure for the consumer to unsubscribe from the service.

(N. Parameswaran)

Secretary-in-charge

Note----- The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection Regulations, 2012.

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Explanatory Memorandum

1. The fast growth of mobile subscribers, increasing telecom penetration in rural and remote areas and launch of innovative value added services by service providers underline the continued need to protect the interest of consumers. As part of its sustained efforts to address the needs of the consumers, TRAI had initiated a consultation process to review various measures already in place and to evolve appropriate further measures to safeguard the interest of consumers by issuing a Consultation Paper "Review of Measures to Protect Interest of Consumers in the Telecom Sector" on 2nd August, 2010. Comments were received from various stakeholders and these were uploaded on TRAI website.

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2. Notwithstanding the several steps taken in the past by TRAI with a view to enhance transparency in tariff offers, the Authority continues to receive complaints and representations from consumers and their representatives allege lack of effective transparency and resultant confusion for subscribers due to the multiplicity of tariff plans of various nature available in the market. In order to further improve transparency, TRAI had issued a Consultation Paper on "Certain issues relating to Telecom Tariff" on 13.10.2010 seeking the comments of stakeholders on various issues including protection of consumer interests. Comments received from various stakeholders were uploaded on TRAI website. Open House Discussions on both the consultation papers were held at five locations –Jaipur, Mumbai, Chennai, Lucknow and Kolkata.

3. Certain important issues relating to information to be provided immediately on completion of call to prepaid subscribers, information to be provided after recharging a prepaid connection, information about itemized usage charges on request, challenges faced by subscribers in understanding tariff plans and measures required to improve transparency were raised during the consultation process. Based on the comments received during public

consultation and keeping in view the interests of telecom consumers and service providers, the Authority had prepared a draft Telecom Consumers Protection Regulations, 2011, which was published on TRAI website on 04th July, 2011.These Telecom Consumers Protection regulations are finalised after consideration of the comments received on the draft regulations. The salient provisions of these regulations are discussed below:

Provisions Relating to Vouchers

4. The Consultation Paper on 'Certain issues relating to Telecom Tariff' had inter-alia sought the comments of stakeholders on various challenges faced by prepaid subscribers and also on measures to enhance the transparency in service provision. Some of the stakeholders had suggested standardisation of tariff plans and various vouchers (recharges) offered in the market.

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5. The Authority analysed the situation prevailing in the market in the light of comments received during the consultation process. On account of increased competition, the service providers offer a large number of Special Tariff Vouchers (STV). The components of these vouchers vary vastly. At present, often Top Up vouchers besides providing monetary value, also contain certain other benefits like – night minutes, free SMS, on-net minutes etc. Sometimes, these extra benefits, which may also restrictions, are not of any use to the prepaid consumers purchasing the top up voucher. Marketing of such products is not done in a fully transparent manner resulting in some consumers buying the Top Up voucher without knowing the inherent restrictions. As a result, the consumer is not able to make effective use of the extra benefits despite paying an extra cost in lieu of such benefits. He, therefore, ends up having to forfeit some monetary value after expiry of the prescribed validity period for the extra benefits of which he may not be aware. A large number of prepaid consumers being of average or below average income, loss of any monetary value causes distress. This issue therefore,

assumes importance from the perspective of transparency to consumer protection.

6.In view of the above situation prevailing in the market, and in the interest of consumers, the Authority has decided to streamline and standardise the vouchers offered by the Service Providers, so as to provide clarity and transparency and help the consumers in better understanding the nature of various vouchers.

7. Additionally, through these regulations, the Authority has mandated that at the time of enrolling a new subscriber, the service providers shall provide him a Start-Up Kit (SUK) containing, among others, the SIM card, where such connection is intended to be provided through a SIM, mobile number (if the customer is not enrolled through mobile number portability), the monetary value available, if any, information about type of connection viz. post-paid or pre-paid connection, information about Customer Care Number and General Information Number and a copy of the abridged version of the Citizen's Charter for Consumers' Education. The Customer Care Number and General Information Number as well as the Citizen's Charter have been mandated under the Telecom Consumers Complaint Redressal Regulations, 2012. Henceforth, the Start-Up Kit will not have a tariff plan.

8. A person who intends to take a new connection need to activate a **Plan Voucher** for enrolling into a tariff plan. The Plan voucher does not add any monetary value to the subscriber's account. Similarly, an existing consumer who wants to change his tariff plan to another tariff plan on offer also has to activate a Plan Voucher for the purpose. Once enrolled into the network of a service provider and having subscribed to a tariff plan, the next requirement of a prepaid consumer is limited to acquiring additional monetary value by way of buying a **Top Up voucher.** The Top up voucher adds monetary value in rupees to the subscriber's account and can be used as per the convenience of the

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consumer, without any restriction in terms of validity period or usage. The Top Up Voucher shall contain only monetary value and no other benefit. Further, no other Voucher, namely, STV and Plan Voucher shall add any monetary value component to the subscriber's account.

9. The **Special Tariff Vouchers** (STVs) are intended to provide tariff benefits to the subscriber who desires to avail of the benefits of the STV altering one or more of the tariff components. It is open to a subscriber to purchase a STV at any time to avail of any benefits that the service provider may offer. But, the STV will not have the effect of adding monetary value available to the subscriber's account. The STV having a time limit, not exceeding 90 days, has necessarily to be used within the stipulated time failing which the balance available in the STV will lapse. The changes in tariffs effected through STVs are only for the period specified in the STV. After expiry of the specified period, the free or concessional usage ceases to exist and the rates of the relevant tariff plan of the consumer becomes applicable.

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Colour band and font size on paper vouchers:-

10. Currently, different combinations of tariff packs are available in the market and the consumers have difficulty in identifying these packs and their benefits. Several stakeholders have alleged non-transparency of tariffs on the part of service providers, resulting in unintended activation of certain packs. With a view to facilitating easy identification by the consumers, the regulations now specify a colour band code on the reverse of the vouchers to distinguish different types of vouchers. A major concern of the consumers regarding size of the letters giving details of the plan, MRP, net monetary value available on the voucher etc. has been addressed by the Authority by prescribing the printing of information on the paper voucher in font size of not less than eight points.

Information to prepaid customers on activation of vouchers:

11. During the consultation process, several stakeholders referred to the non-provision of details like total amount available in the subscriber's account, details of the tariff plan and the deductions made on account of taxes and administrative charges after activation of vouchers. Consumer organisations have suggested that provision of complete information to customers would make the system more transparent, leading to better customer satisfaction. After considering various suggestions in this regard, the Authority has mandated the provision of various details to the prepaid subscriber as listed in regulation 6.

12. Additionally, these regulations also provide for allotment of a separate Toll Free Short Code by the service provider to enable its consumer to access information relating to his tariff plan, available balance in his account and details of any Value Added Service activated on his telephone number.

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Information to prepaid customers relating to usage:

13. At present, about 96% of the consumers are in the pre-paid category and unlike post-paid consumers, the prepaid consumers do not get any bills for their usage and the amount charged. During the consultation process, concerns were expressed by consumers that some of the service providers are not providing the information like last call duration, call charge, validity period, account balance etc. Most of the stakeholders were of the view that such information should be provided to a prepaid subscriber, immediately on completion of every call, so that he can verify the correctness of the amount deducted from his account and also regulate his usage. Accordingly, the present regulations have mandated that the service provider shall, immediately on making any deduction from the account of a prepaid consumer, provide the

information through SMS, relating to the subscriber's usage for all calls and data.

14. Unlike post-paid subscribers, a prepaid subscriber does not have the facility to get itemised details of his usage. In the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, the Authority had mandated that on request from any pre-paid subscriber, the service provider shall supply to the subscriber, at a reasonable cost, not exceeding Rs.50/-, the information relating to the itemised usage charges for any period falling in the preceding six months. During the consultation process, several stakeholders opined that a time limit should be prescribed within which the service provider should provide the information. Accordingly, these regulations have prescribed a period of thirty days for providing itemised usage details by the service provider.

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Premium Rate Service and Value Added Service:

15. Access to Premium Rate Services [PRSs] is generally through special numbers and is charged at rates higher than the normal call rates. During the consultation process, some of the stakeholders expressed concern that a consumer while accessing such PRS is unaware of the call charges and realises the same after the amount is deducted from his account. Similarly in case of Value Added Services, information regarding its validity, charges and the method to unsubscribe is generally not known. In order to ensure that a consumer is aware of the charges payable for availing such services, the regulations prescribe that in case of PRS, the consumer should be informed of the charges for such service before materialisation of the call and in case of value added service, he should receive, before activation of such service, information about the charges, validity period and the procedure to unsubscribe from the service.

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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 11th JANUARY, 2012

TELECOM CONSUMERS PROTECTION (AMENDMENT) REGULATIONS, 2012 (4 OF 2012)

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No. 308-5/2011-QoS .-----In exercise of the powers conferred upon it under section 36, read with sub-clauses (*i*) and (*v*) of clause (*b*) of sub-section (*1*) of section 11, of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1) These regulations may be called the **Telecom Consumers Protection (Amendment) Regulations, 2012.**
(2) They shall come into force with effect from the from the date of their publication in the Official Gazette.
2. In clause (e) of sub-regulation (1) of regulation 3 of the Telecom Consumers Protection Regulations, 2012, for the words "Citizen's Charter", the words "Telecom Consumers Charter" shall be substituted.

(N. Parameswaran)
Secretary-in-charge

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011-QOS dated the 6th January, 2012.

Note.2. --The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Amendment) Regulations, 2012.

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EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecom Consumers Protection Regulations, 2012 (2 of 2012) on 6th January, 2012 to bring in transparency, help consumers in understanding the various tariff plans and vouchers on offer and for provision of information to consumers after every activation of vouchers. In clause (e) of sub-regulation (1) of regulation 3 of these regulations, it has been provided that the Start-up Kit shall, inter alia, contain abridged version of the Citizen's Charter, as specified under regulation 17 of the Telecom Consumers Complaint Redressal Regulations, 2012.

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2. The provisions of these regulations are applicable only to telecom consumers. So the Authority has decided to rename the "Citizen's Charter" as "Telecom Consumers Charter". Accordingly, the term "Citizen's Charter" wherever appearing in Chapter-V of the Telecom Consumers Complaint Redressal Regulations, 2012 has been replaced by the term "Telecom Consumers Charter" through the Telecom Consumers Complaint Redressal (Amendment) Regulations, 2012(3 of 2012). Consequently, clause (e) of sub-regulation (1) of regulation 3 of the Telecom Consumers Protection Regulations, 2012 (2 of 2012) dated 6th January, 2012 has been amended to make it in line with the Telecom Consumers Complaint Redressal (Amendment) Regulations, 2012.

TO BE PUBLISHED IN THE GAZETTE OF INDIA,
EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 21st FEBRUARY, 2012

TELECOM CONSUMERS PROTECTION (SECOND AMENDMENT) REGULATIONS, 2012 (5 OF 2012)

No. 308-5/2011-QoS .-----In exercise of the powers conferred under section 36, read with sub-clauses (*i*) and (*v*) of clause (*b*) of sub-section (*1*) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1.	(1)These regulations may be called the Telecom Consumers Protection (Second Amendment) Regulations, 2012; (2) They shall come into force from the date of their publication in the Official Gazette.
2.	In regulations 3, 4, 5, 6, 7, 8 and 9 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations), for the words "forty five days" the words "seventy five days" shall be substituted.

(**N. Parameswaran**)
Secretary-in-charge

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011-QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3. –The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Second Amendment) Regulations, 2012 (5 of 2012).

EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecom Consumers Protection Regulations, 2012 (2 of 2012) on 6th January, 2012 to bring in transparency in tariff offerings, help consumers in understanding the various tariff plans and vouchers on offer. The service providers' associations have represented to the Authority for extension of time period to implement the provisions of the regulations, pertaining to vouchers, provision of information after every call, SMS and data usage. Also they have requested additional time for clearing the existing stock of vouchers. Considering the requests of the industry, the Authority has decided to extend the time period for implementing the regulations to 75 days from the existing limit of 45 days.

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TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 7TH MARCH, 2012

TELECOM CONSUMERS PROTECTION (THIRD AMENDMENT) REGULATIONS, 2012 (6 OF 2012)

No. 308-5/2011-QoS .-----In exercise of the powers conferred under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1.	(1)These regulations may be called the Telecom Consumers Protection (Third Amendment) Regulations, 2012; (2) They shall come into force from the date of their publication in the Official Gazette.
2.	In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations), after clause (t) the following clause shall be inserted, namely:- "(ta) "USSD" or "Unstructured Supplementary Service Data" means a real-time or instant session based messaging services."
3.	In sub-regulation (2) of regulation 3 of the principal regulations, the following proviso shall be inserted, namely:- "*Provided* that the service provider may provide to a consumer a tariff plan as part of the Start –Up Kit and such tariff plan shall cease to apply to such consumer on activation of a Plan Voucher."
4.	In regulation 7 of the principal regulations, after the words "provide through SMS", the words "or USSD" shall be inserted.

(Rajeev Agrawal)
Secretary

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011-QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2012.

Note.4. – The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Third Amendment) Regulations, 2012 (6 of 2012).

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EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecom Consumers Protection Regulations, 2012 (2 of 2012) on 6th January, 2012 to bring in transparency in tariff offerings, help consumers in understanding the various tariff plans and vouchers on offer. In sub-regulation (2) of regulation 3 of these regulations, it has been provided that the Start-up Kit shall not contain Plan Voucher or Special Tariff Voucher. The Authority has received representations from service providers' associations that it has been the practice of some of the service providers to include base tariff plan as part of the activation kit, and restricting such practice would inconvenience such service providers as well as the consumers. Since inclusion of a base plan in the start-up kit will not affect transparency in tariff offering, the Authority has allowed that tariff plan may be included as a part of the start-up kit (SUK). However, such tariff plan will cease to apply to a consumer upon activation of a Plan Voucher.

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2. The service providers' associations also pointed out that provision of information only through SMS, after every call or data usage, could inconvenience the consumers as they have to delete such messages so as to provide for sufficient memory in the mobile handset for receiving such messages. There could also be issues relating to non-receipt of messages on account of lack of memory in the mobile handset. The industry associations have therefore requested that USSD may also be allowed for providing such information. Hence, the Authority has decided to allow USSD along with SMS for provision of information to consumers after every call and data usage. Accordingly, provisions have been made in regulation 7.

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 22nd October, 2012

TELECOM CONSUMERS PROTECTION (FOURTH AMENDMENT) REGULATIONS, 2012 (22 of 2012)

No. 308-5/2011-QOS. ----- In exercise of the powers conferred under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1) These regulations may be called the Telecom Consumers Protection (Fourth Amendment) Regulations, 2012;

(2) They shall come into force after forty five days from the date of their publication in the Official Gazette.

2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations),

(a) after clause (c), the following clause shall be inserted, namely:-

(ca) "Combo Voucher" or "CV" means a paper voucher or electronic voucher which on activation alters one or more items, for a period not exceeding ninety days, in the tariff plan of the consumer and adds monetary value to the prepaid account of the subscriber;

(b) in clause (h), at the end , the words "or Combo Voucher" shall be inserted;

(c) in clause (v), for the words "to the pre-paid account or for altering one or more items of applicable tariff" the words "to the pre-paid account or for altering one or

more item of the applicable tariff or both" shall be substituted.

3. In regulations 3 of the principal regulations, in sub-regulation (2), at the end, the words "or Combo Voucher" shall be inserted.

4. In regulation 4 of the principal regulations,----

(a) in sub-regulation (1),

(i) in clause(b), the word "and" shall be omitted;

(ii) in clause(c), the word "and" shall be inserted at the end;

(iii) after clause(c) and before the proviso, the following clause shall be inserted, namely:-

"(d) Combo Vouchers.;"

(b) in sub-regulation (2),----

(i) in clause (a), after sub-clause (iii), the following sub-clause shall be inserted, namely:-

"(iv) is not offered in denominations of ten rupees and multiples thereof."

(ii) in clause (b), after sub-clause (iv), the following sub-clause shall be inserted, namely:-

"(v) is offered only in denominations of ten rupees and multiples thereof."

(iii) in clause (c), after sub-clause (v), the following sub-clause shall be inserted, namely:-

"(vi) is not offered in denominations of ten rupees and multiples thereof."

(iv) after clause (c), the following clause shall be inserted, namely:-

"(d) a Combo Voucher ---

(i) clearly indicates the tariff plan to which it is applicable;

(ii) clearly indicates tariff for different items with their validity;

(iii) clearly indicates the monetary value available in the combo voucher and restrictions, if any, on its validity or usage;

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(iv) clearly indicates, in all publications and promotion materials, the availability of standalone top-up vouchers;

(v) is not offered in denominations of ten rupees and multiples thereof; and

(vi) If offered in the form of paper voucher, information about the features including activation restrictions, are printed in font size of not less than eight points."

(c) in sub-regulation (3), after the words "Special Tariff Voucher", the words "or Combo Voucher" shall be inserted.

5. In regulation 5 of the principal regulations, in sub-regulation (1),

(a) in clause (b), the word "and" shall be omitted;

(b) in clause(c), the word "and" shall be inserted at the end;

(c) after clause (c), the following clause shall be inserted, namely:-

"(d) blue colour band for Combo Vouchers."

6. In regulation 6 of principal regulations, after clause (c), the following clause shall be inserted, namely:-

"(d) on activation of a Combo Voucher:-

(i) total amount charged;

(ii) benefits specific to the voucher;

(iii) validity period of the specific benefits;

(iv) net monetary value added; and

(v) restrictions, if any, on usage or validity period of monetary value.".

(Rajeev Agrawal)

Secretary

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011- QOS dated the 6th January, 2012.

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Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11thJanuary, 2012.

Note.3. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21stFebruary, 2012.

Note.4. - The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note.5. – The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Fourth Amendment) Regulations, 2012 (22 of 2012).

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EXPLANATORY MEMORANDUM

1. The Telecom Consumer Protection Regulation, 2012 (TCPR) permits only three categories of vouchers, namely Plan Vouchers, Top-ups and STVs. Subsequent to notification of this Regulation on 6th January, 2012. There have been demands from several service providers and COAI to allow a fourth category of vouchers (Combo Vouchers). The Combo Vouchers would provide monetary value and tariff concessions through a single voucher. TRAI had undertaken a consultation process for seeking the views of stakeholders on the desirability of permitting Combo Vouchers.

2. The feedback received from stakeholders during the consultation process has been analysed. While several stakeholders expressed strong views in favour of Combo Vouchers, some others wanted appropriate safeguards and transparency measures to be prescribed as a pre-condition to allowing Combo Vouchers. Few stakeholders had expressed the fear of possibility of confusion for consumers if Combo Vouchers are permitted.

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3. The Combo Vouchers as requested by COAI and some of the service providers would be an additional and optional category of vouchers under the TCPR, and such vouchers would bring more flexibility to the service providers to offer innovative bundling of the products based on market segmentation. Further, use of Combo Vouchers offer the subscriber convenience of topping up their prepaid balance as well as getting benefit of special tariffs through a single transaction.

4. Keeping in view the facts and circumstances of the case as well as the feedback received from stakeholders during the consultation process, the Authority has decided, through the Fourth Amendment to the TCPR 2012, to permit the Combo Vouchers as a fourth category of vouchers with safeguards to ensure that Top Up Vouchers are clearly distinguishable by subscribers in terms of denomination and, in the case of physical vouchers, in terms of colour and further, that the availability of stand-alone Top Up Vouchers is brought to the

notice of the subscribers whenever Combo Vouchers are publicised. In addition, promotions of Combo Vouchers will clearly have to mention the terms and conditions so that subscribers can make an informed choice. While implementing Combo Vouchers, the Authority expects the service providers to ensure that the conditions and restrictions, if any, imposed on the monetary value provided through such vouchers are fair, reasonable and transparently conveyed so as to avoid the possibility of confusion for subscribers.

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TO BE PUBLISHED IN THE GAZETTE OF INDIA,

EXTRAORDINARY,

PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 27th November, 2012

TELECOM CONSUMERS PROTECTION (FIFTH AMENDMENT) REGULATIONS, 2012 (25 of 2012)

No. 308-5/2011-QOS- In exercise of powers conferred under section 36, read with sub-clauses (i) and (v) of clause (b) and clause (c) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

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1. (1) These regulations may be called the Telecom Consumers Protection (Fifth Amendment) Regulations, 2012;

(2) The provisions of the Telecom Consumers Protection (Fourth Amendment) Regulations, 2012 (22 of 2012) shall come into force after thirty days from the date of their publication in the Official Gazette.

(Rajeev Agrawal)
SECRETARY

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January,

2012 vide notification number No. 308-5/2011- QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11thJanuary, 2012.

Note.3.–The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21stFebruary, 2012.

Note.4.- The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note.5. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

Note.6. –The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Fifth Amendment) Regulations, 2012 (25 of 2012).

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EXPLANATORY MEMORANDUM

1. TRAI had issued the Telecom Consumers Protection (Fourth Amendment) Regulations, 2012 (22 of 2012) on 22nd October, 2012 providing for offering of a fourth category of vouchers viz. Combo Voucher by service providers. These regulations will come into effect after forty five days of publication of the regulations in the Official Gazette.

2. Meanwhile, the Authority has received representations from industry associations requesting for revising the date of implementation of the regulations so as to facilitate them issue of these vouchers at the earliest. The Authority considered the matter and decided to amend the regulations accordingly. With the issue of these regulations, the service providers will be able to issue Combo Vouchers immediately.

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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 21st FEBRUARY, 2013

TELECOM CONSUMERS PROTECTION (SIXTH AMENDMENT) REGULATIONS, 2013 (2 of 2013)

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No. 308-5/2011-QOS. ----- In exercise of the powers conferred under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1) These regulations may be called the Telecom Consumers Protection (Sixth Amendment) Regulations, 2013;

(2) They shall come into force on the 22nd of March, 2013.

2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations),-

(a) after clause (a), the following clause shall be inserted, namely:-

"(aa) "activity" means a voice call (outgoing or incoming) or video call (outgoing or incoming) or an outgoing SMS or a data session (upload or download) or usage of Value Added Services or payment of rental in case of post paid connection or any other usage, as may be specified by the service provider, as an activity ;";

(b) after clause (b), the following clause shall be inserted, namely :-

"(ba) "Automatic Number Retention Scheme" means protection from deactivation of cellular mobile telephone connection of a pre-paid consumer for non-usage on deduction of specified amount from the account of the consumer.;";

(c) after clause (h), the following clause shall be inserted, namely:-

"(ha) "Non-usage" means absence of an activity ; ";

(d) after clause (l), the following clause shall be inserted, namely:-

"(la) "Safe Custody Scheme" means the facility for protection from deactivation for non-usage of a cellular mobile telephone connection of a postpaid consumer on the request of the consumer and on payment of specified amount.;";

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3. In regulation 3 of the principal regulations, after clause (e), the following clause shall be inserted, namely :-

"(f) the details regarding deactivation of cellular mobile telephone connection due to non-usage.".

4. After Chapter III of the principal regulations, the following Chapter shall be inserted, namely :-

"CHAPTER IV

DEACTIVATION OF CELLULAR MOBILE TELEPHONE CONNECTION DUE TO NON-USAGE

11. Deactivation of cellular mobile telephone connection of pre-paid consumer due to

non-usage.-----Subject to provision of regulation 12**,** every service provider shall ensure that no cellular mobile telephone connection of a prepaid consumer is deactivated for non-usage, for a minimum period of ninety days or such longer period as may be specified by the service provider.

12. Automatic Number Retention scheme for pre-paid consumers.-----(1) No service provider shall deactivate the cellular mobile telephone connection of a pre-paid consumer for non-usage if an amount exceeding twenty rupees or such lesser amount, as may be specified by the service provider, is available in the account of such consumer:

Provided that the service provider may deduct an amount not exceeding twenty rupees, as may be specified by the service provider, from the pre-paid account of the consumer for extension of period of non-usage beyond ninety days.

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(2) Upon deduction of the amount mentioned in sub-regulation (1), the non-usage period of the cellular mobile connection of the consumer shall be extended by a further period of thirty days and this process shall be repeated till such time the minimum amount exceeding twenty rupees or such lesser amount, as may be specified by the service provider under sub-regulation (1), is available in the account of the consumer.

(3) If a consumer performs an activity during the extended period of non-usage, he shall be entitled for a fresh period of non-usage of ninety days or such longer period as may be specified by the service provider.

13. Safe Custody scheme for post-paid consumers.-----(1) Every service provider shall implement a safe custody scheme for postpaid consumers.

(2) No service provider shall deactivate the cellular mobile telephone connection of a post-paid consumer for non-usage if such consumer makes a request for safe custody of his telephone

connection and makes payment of an amount not exceeding one hundred fifty rupees for every three months or part thereof, as may be specified by the service provider.

(3) The service provider shall not charge monthly rental from the consumer during the period of safe custody of the cellular mobile telephone connection.

(4) If the post paid consumer of the cellular mobile telephone connection has made payment of advance rent for a specified period, the service provider shall not deactivate the mobile connection of such consumer on the ground of non-usage during the period for which advance rent has been paid.

(5) If the consumer of cellular mobile telephone connection makes a request for restoration of his mobile connection during the period of safe custody, the service provider shall, within twenty four hours of receipt of request, restore his mobile connection.

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14. The grace period for reactivation------(1) The cellular mobile telephone connection of a consumer deactivated for non-usage shall not be allocated to any other consumer till the expiry of a minimum period of fifteen days or such longer period, as may be specified by the service provider, from the date of deactivation and during such period the consumer can get his mobile connection reactivated by making payment of an amount not exceeding twenty rupees, as may be specified by the service provider.

15. Communication of information to the consumer.-----(1) Every service provider shall communicate to the consumers, in a transparent manner, the following information:-

(a) the period of non-usage after which the mobile connection of the consumer is liable to be deactivated;
(b) the details of the activities, the absence of which shall amount to non-usage;
(c) the details of Automatic Number Retention scheme;
(d) the details of Safe Custody scheme; and
(e) the grace period for reactivation of the cellular mobile telephone connection.

(2) The information mentioned in sub-regulation (1) shall be intimated to the consumer through :-

(a) Start Up Kit and Customer Acquisition Form;

(b) tariff leaflets or brochures, if any;

(c) display on the website, retail points of sale and complaint centres of the service provider;

(d) publication in one English and one regional language newspaper every six months along with the tariff published under direction F. No. 301-14/2010-ER dated the 16th January, 2012; and

(e) SMS within ten days from the date of commencement of these regulations and every six months thereafter.

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(3) Every service provider shall, immediately on deduction of an amount under regulation 12, provide to the consumer through SMS the following information :-

(a) the amount deducted;

(b) the purpose for which the deduction is made; and

(c) the balance amount available in the pre-paid account of the consumer.".

(Rajeev Agrawal)
SECRETARY

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011- QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India,Extraordinary, Part III, Section 4 dated the 11thJanuary, 2012.

Note.3.–The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21stFebruary, 2012.

Note.4.- The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note.5. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

Note.6. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 27th November, 2012.

Note.7. –The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Sixth Amendment) Regulations, 2013 (2 of 2013).

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EXPLANATORY MEMORANDUM

1. Several Telecom Service Providers (TSPs) currently prescribe a condition of deactivation if the Cellular Mobile Telephone connections remain inactive for a certain specified period. On such deactivation the balance amount in the account of the pre-paid consumer gets forfeited. This practice sometimes causes inconvenience to genuine consumers.

2. The TSPs contend that Cellular Mobile Telephone connections in a state of continuous non-usage not only block scarce numbering resource but also block their database space in various systems like the Billing System, Customer Resource Management platforms etc. Keeping such connections active in the system for unduly long period becomes non-remunerative for the TSPs. The Authority observed that the criteria for deactivation followed by TSPs are not uniform and also are not transparently conveyed to the consumers. With a view to protect the interests of the consumers while seeking to ensure better utilization of scarce numbering resources, the Authority had initiated a consultation process for seeking views of stakeholders on various aspects relating to deactivation of SIMs or mobile connections on the ground of non-usage. After considering the views of stakeholders and keeping in view other factors relevant to the issue, the Authority has decided to put in place certain regulatory guidelines through an amendment to the Telecom Consumer Protection Regulation, 2012. The Authority wishes to make it clear that there is no intention to mandate deactivation of Cellular Mobile Telephone connections on the ground of non-usage. It is solely at the discretion of the TSPs whether or not to prescribe any such condition for deactivation.

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'Non-usage' attracting the condition of deactivation

3. The consultation paper had listed several possible activities which could constitute 'usage' of the Cellular Mobile Telephone Service connection. The list of activities, absence of which constitute non-usage given in the regulation, is not exhaustive. While some of the activities have been mandated to constitute usage, the TSPs will continue to have the flexibility to include any other activity like activation of voucher, incoming SMS etc. in the scope of usage, if they wish to do so.

4. Currently, most of the service providers prescribe sixty days of non-usage as the criteria for deactivation of Cellular Mobile Telephone Service connections. The suggestions by stakeholders are generally in the range of 50 days to 180 days. The Authority has decided to prescribe a minimum of ninety days of non-usage with a grace period of fifteen days for reactivation. The service providers will have the flexibility to decide a duration of non-usage longer than ninety days for the purpose of deactivation. During the grace period, the consumer will have the option to seek reactivation of the same number on payment of the prescribed fee which shall not exceed rupees twenty.

Automatic Number Retention (ANR) and Safe Custody Schemes

5. The ANR Scheme which is meant for Mobile prepaid consumers enables the consumers to protect their numbers (Cellular Mobile Telephone connections) irrespective of absence of activity beyond the period (not below ninety days) specified for the purpose, by keeping sufficient balance in their accounts. The service providers shall extend the date of deactivation by thirty days on each occasion after deducting the prescribed amount not exceeding rupees twenty from the balance available. If during such extended period the consumer performs any activity specified as 'usage', his Cellular Mobile Telephone connection shall be considered as active for a fresh period (not below ninety days) specified by the TSPs for deactivation due to non-usage. This process of deducting the specified charge under ANR scheme from the pre-paid balance of the consumer shall continue till such time the balance in the account falls below the prescribed amount under these regulations. This scheme does not require any explicit positive action on the part of the prepaid consumers and works automatically. The service providers also get compensated for the work done in keeping the Cellular Mobile Telephone connections active in the system. The ANR scheme ensures that forfeiture of balance amount in cases of deactivation due to non-usage is kept at the minimum and thus prevents unjust enrichment of TSPs. The amount already deducted from account of the consumer under the ANR scheme is not required to be refunded in case the consumer, performs activity during the extended period of non-usage under ANR scheme.

6. 'Safe Custody Scheme' is meant for Mobile postpaid consumers. The concerns on account of deactivation due to non-usage are different and perhaps less relevant for postpaid

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consumers. Unlike in the prepaid platform, consumers in the postpaid plans generally pay monthly rental and are therefore entitled to remain as active consumers despite continuous period of non-usage. However, a postpaid consumer who expects non-usage of the Cellular Mobile Telephone connection for a considerable period, will be in a disadvantageous position as he will need to continue payment of monthly rental of the tariff plan despite non-usage. The safe custody scheme mandated through these regulations enables a postpaid consumer to avoid disconnection by making a request to this effect to his service provider and by paying the charges (not exceeding Rs.150/- for three months) specified for the purpose. Considering that the average revenue from postpaid consumers is several times higher than that of prepaid consumers and that the scheme presumes a voluntary positive action on the part of the consumer, the maximum charges for safe custody has been fixed at a higher level vis-à-vis the charges applicable in respect of ANR scheme for prepaid consumers. Moreover, in the case of safe custody, the postpaid consumer is not required to pay rental during the safe custody period.

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7. If a cellular mobile telephone number is deactivated due to non-usage, the same number shall not be recycled or reallocated to any other consumer within a period of 15 days from the date of deactivation. In other words, there shall be a grace period of 15 days within which the consumer shall be entitled for requesting the telecom service provider for reactivation of his cellular mobile telephone connection with the same number on payment of the amount specified for reactivation.

TO BE PUBLISHED IN THE GAZETTE OF INDIA,

EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 3rd DECEMBER, 2013

TELECOM CONSUMERS PROTECTION (SEVENTH AMENDMENT) REGULATIONS, 2013 (14 OF 2013)

No. 308-3/2012-QoS -----In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1) These regulations may be called the Telecom Consumers Protection (Seventh Amendment) Regulations, 2013.

(2) These regulations shall come into force from the 15th day of January 2014.

2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (2 of 2012), in clause (o), the following proviso shall be inserted, namely---

"*Provided* that the Special Tariff Voucher pertaining to SMS or data, having validity of more than seven days, may be renewed, after obtaining the explicit consent of the consumer in accordance with the procedure specified in Schedule-I and shall be deactivated, at any time on the request of the consumer, in accordance with the procedure specified in Schedule-II;

Provided further that the Special Tariff Voucher shall not be renewed if its tariff has been revised;"

3/12/13

(Rajeev Agrawal)
Secretary

राजीव अग्रवाल/RAJEEV AGRAWAL
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India
नई दिल्ली-110002/New Delhi-110002

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Note.1.— The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011-QoS dated the 6th January, 2012.

Note.2.– The principal regulations were amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3.– The principal regulations were further amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2012.

Note.4. –The principal regulations were further amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note.5. – The principal regulations were further amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

Note.6. – The principal regulations were further amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 27th November, 2012.

Note.7.– The principal regulations were further amended vide Notification No. 308-5/2011-QoS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2013.

Note.8. –The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Seventh Amendment) Regulations, 2013 (14 of 2013).

3/12/13

राजीव अग्रवाल/RAJEEV AGRAWAL
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
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SCHEDULE-I

Process for renewal of Special Tariff Vouchers (STV) after expiry of its validity period.

Step-1: The service provider shall provide to the consumer through SMS, in case of STV for SMS, and through a landing web page, in case of STV for data, the details of the STV, its validity, the terms and conditions of its renewal, charges for renewal and inform the customer that he may renew STV by sending SMS with 'yes' to a specified toll free number, or by an e-mail, or by pressing 'yes' button specified on landing web page, or by a letter or FAX to the service provider, before the expiry of the validity period of STV;

Step-2: if the consumer gives his consent, STV shall be processed for renewal and the consent logs shall be stored in the system in an un-editable format for a period of six months. The renewal shall be effective after expiry of validity of the STV;

Step-3: the service provider shall immediately on receipt of consent from the consumer inform him through SMS, in case of STV for SMS, and through a web page, in case of STV for data, about the receipt of his request, indicating therein the details of STV such as name of STV, charges, validity period and toll free short code, in case of STV for SMS, and a web link, in case of STV for data, for deactivation of the STV and renew the STV; and

Step-4: the service provider shall, three days before the expiry of the validity period of STV after every renewal, inform the consumer, through SMS, the due date of renewal, the charges for renewal, the terms and conditions of renewal, the toll free short code for deactivation of STV and in case a request for deactivation is not received, renew the STV.

21/12/13

राजीव अग्रवाल/RAJEEV AGRAWAL
सचिव/Secretary
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SCHEDULE-II

Procedure for deactivation of STV at any time after renewal, on the request of the consumer, through Interactive Voice Response (IVR) or through SMS to a toll free short code or through web link.

(a) Through Interactive Voice Response (IVR):

Step – 1: The consumer makes a call on IVR telephone number of the service provider;

Step – 2: the service provider shall provide to the consumer, over a recorded IVR, the choice of the language for interaction with IVR, which shall be in English, Hindi and in the regional language;

Step – 3: the list of STVs activated on the mobile number of the consumer is provided to him and he is given the option to select the STV, which he wants to deactivate, by pressing the appropriate key;

Step – 4: on pressing the key for a specific STV, an SMS shall be delivered to the consumer informing him that the request to deactivate renewal of the STV has been received and the selected STV shall be deactivated on expiry of its validity period and that he shall receive an SMS confirming the receipt of his request for deactivation of STV;

Step – 5: in case the consumer presses an inappropriate key in step-4, IVR shall inform the consumer that the key pressed is wrong and the procedure listed at step-3 to step-4 shall be repeated;

Step – 6: in case the consumer again presses an inappropriate key in step-5, IVR shall inform that the key pressed is wrong and the call shall be transferred to a call centre agent who shall record the request of the consumer for deactivation of STV and shall inform the consumer that the STV shall be deactivated on the expiry of its validity period and he shall receive an SMS confirming the receipt of his request for deactivation of STV;

3/12/13

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Step – 7: in case any key is not pressed for ten seconds in step-4, the consumer shall be given an option to "press 0 to repeat or press 9 to connect to a call center agent";

Step – 8: on pressing '9' in step-7, the call shall be transferred to a call centre agent who shall take the request of the consumer for deactivation of STV and shall inform the consumer that the STV shall be deactivated on the expiry of its validity period and he shall receive an SMS or e-mail confirming the receipt of his request for deactivation of STV;

(b) Through SMS:

Step – 1: On receipt of an SMS on short code from the consumer to deactivate a particular STV, the consumer is provided through SMS, a list of STVs activated on his mobile number and corresponding keys for deactivation of different STVs and he is asked to send through SMS the particular key of the STV which he wants to deactivate;

Step – 2: in case of receipt of an incorrect response from the consumer, an SMS shall be sent to the consumer giving him the list of STVs activated on his mobile number and he shall be asked to select the STV; which he wants to deactivate by sending through SMS the appropriate key for that STV;

Step – 3: on receipt of the key through SMS as in Step-1 or step-2, an SMS shall be sent to the consumer informing him that his request to deactivate STV has been received and the selected STV shall be deactivated on the expiry of its validity period and he shall receive a confirmation SMS confirming the receipt of his request for deactivation of STV;

(c) Through web:

Step-1: Each time a consumer logs into his account, a web landing page will appear, indicating therein the details of the STV such as name of STV, charges, validity period and a link or button for stopping the STV;

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Step -2: after the consumer has clicked the appropriate link or button on the webpage for deactivation of the STV, he shall be directed to a new page informing him that the request to deactivate the renewal of requested STV has been received and the STV shall be deactivated on expiry of its validity period and that he shall receive an SMS or e-mail, as the case may be, confirming the receipt of his request for deactivation of STV;

Step -3: an SMS or e-mail shall be sent to the consumer on his registered mobile phone or e-mail, respectively, immediately after deactivation of renewal of the STV, informing him about the successful deactivation of the STV along with the name of the STV and a docket number of such deactivation.



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Explanatory Memorandum

TRAI had received complaints of customers against auto-renewal of SMS and Data packs offered to them by service providers through Special Tariff Vouchers (STV) without their consent, after the expiry of the STVs. The issue was examined at length in TRAI and it is observed that as per the regulation 4(2) (c) of the Telecom Consumers Protection Regulations, 2012 dated 6th January, 2012, there is no provision for renewal of STV which is specified to have certain validity period not exceeding ninety days. Hence, the STV lapses after the expiry of its specified validity and auto renewal of STV after its validity period is not provided in the regulations.

2. Regarding the issue whether any regulatory guidelines are violated in the matter, it may be mentioned that the auto-renewal facility on STV is an issue of recent origin. In this case it could be argued that auto-renewal was part of the feature of the STV, which was offered to the customer, and activation of it would amount to agreeing for auto-renewal. At the same time the customer could argue that auto-renewal was imposed later without his consent. It is observed that the consumer is seldom aware of auto-renewal of the STV subscribed by him, before activation of the service, though the consumer does not want such renewal, which is against the interest of consumers.

3. Regarding the issue whether auto-renewal facility could extend the validity of the STV beyond the prescribed limit of three months, the consumers need not activate another voucher to get the indented benefits but could automatically renew the STV. In this way the customer can avail the STV for a period beyond three months. But there could be an argument that each auto-renewal is a separate activation of a STV and auto-renewal is only for mitigating the problem of consumers to periodically activate the voucher to avail the benefits on a long term basis. It may be advantageous for those consumers who want to continue to use the facility with periodic renewal. At the same time there could be consumers who may want only one time use and in their case auto-renewal is a problem as they have to undertake the unsubscription process. Also there is a

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possibility that through auto-renewal a STV could replicate a Plan Voucher. The Authority feels that the problem could be addressed and the scheme could be beneficially implemented for consumers if the explicit consent of the consumer is taken for renewal separately. Hence, regulatory guidelines are necessary in the matter and there should be clear opt-in for renewal of STV.

4. Keeping in view of the above, the issue was discussed with the service providers at length. TRAI after careful examination of the feedback received from the service providers has decided to introduce the procedure for renewal of STV. TRAI has decided to keep the short duration validity packs out of purview of renewal of STV as the small duration packs are generally subscribed by low end consumers as well as by those consumers who need it only for a short duration. Renewal of STV is allowed for SMS and Data packs through opt-in facility by taking explicit consent of the consumer at any time before the expiry of validity period of the STV through prescribed procedure. A toll free short code for opting out of the renewal of STV at any time through defined procedure, through SMS, Voice and web is also prescribed to protect the interest of consumers. The consumers are intimated about the process for deactivating an STV, every time an STV is renewed, three days before renewal.

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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 7th August, 2015

TELECOM CONSUMERS PROTECTION (EIGHTH AMENDMENT) REGULATIONS, 2015 (5 OF 2015)

No. 308-1/2015-QoS -----In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1) These regulations may be called the Telecom Consumers Protection (Eighth Amendment) Regulations, 2015.

(2) (a) Regulation10A of these regulations shall come into force on the 1st day of November, 2015.

(b) Regulation 10B of these regulations shall come into force on the 1st day of September, 2015.

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2. In Chapter III of the Telecom Consumers Protection Regulations, 2012 (2 of 2012) (hereinafter referred to as the principal regulations), after regulation 10, the following regulation shall be inserted, namely:-

"**10A.Information to consumers on data usage----** (1) Every service provider shall, through SMS or USSD, provide to all consumers of the Cellular Mobile Telephone Service on whose mobile phone data services are activated, except those consumers who have availed data service through special tariff vouchers or combo vouchers or add-on pack or under a tariff plan which provides for free or discounted tariff in the tariff plan for usage of data upto a certain limit, after every ten megabytes of data used by the consumer, the quantum of data used during a session:

Provided that there shall be no obligation on the service provider to provide the quantum of data used during a session, if the consumer opts not to receive such information by sending an SMS "NO INFO" to short code 1925.

Explanation: I -Discounted tariff means the rate for data service which is lower than the regular tariff for such service in the plan applicable to the consumer.

Explanation: II. - Add-on-pack is an offer which on subscription by the post paid consumer, alters one or more items of the tariff plan.

(2) Every service provider shall, through SMS or USSD, provide to all consumers of the Cellular Mobile Telephone Service, who have availed data service through Special Tariff Voucher or Combo Voucher or add-on pack or under a tariff plan which provides for free or discounted tariff for usage of data upto a certain limit, an alert each time, immediately, -

(a) on consumption of –

(i) fifty percent of data;

(ii) ninety percent of data; and

(iii) one hundred percent of data, -

available in the account of the consumer; or

(b) when the quantum of data available in the account of the consumer reaches-

(i) five hundred megabytes;

(ii) one hundred megabytes; and

(iii) ten megabytes.

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(3) After the consumer, referred to in sub-regulation (2), has consumed ninety percent of the data or the quantum of data available in his account reaches ten megabytes, the service provider shall provide to the consumer, through SMS or USSD, the details of tariff applicable on usage of data beyond the quantum of data available in the account of the consumer.

(4) Every service provider shall, through SMS or USSD, provide to all consumers of the Cellular Mobile Telephone Service, having international roaming facility on their mobile connection, an alert, immediately after the consumer roams outside the territory of India, advising the consumer to deactivate the data services in his mobile phone if he does not intend to use data services while roaming outside the country.

10B. Activation or deactivation of data services-----(1) No service provider shall activate or deactivate the data service on the Cellular Mobile Telephone connection of a consumer without his explicit consent:
Provided that nothing contained in this sub-regulation shall apply for usage of data service through Special Tariff Voucher or Combo Voucher or add-on pack till the expiry of the validity period of such voucher or add-on pack, or on consumption of entire data by the consumer, whichever is earlier.

(2) Every Cellular Mobile Telephone Service provider shall provide toll free short code 1925 for receiving request of the consumer for activation and deactivation of data service.

(3) The request and consent of the consumer for activation or deactivation of data service shall be obtained in accordance with the procedure specified in Schedule-III.

(4) Every Cellular Mobile Telephone service provider shall send an SMS to the consumer, on whose Cellular Mobile Telephone connection the data service is activated, within thirty days from first day of September two thousand and fifteen and at periodic interval not exceeding six months, informing him about the procedure for deactivation of data service specified in Schedule-III."

3. In the principal regulations, after Schedule-II, Schedule-III shall be inserted.

(N. Parameswaran)
Secretary-in-charge

Note.1.—The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section4 dated the 6th January, 2012 vide notification number No.308-5/2011-QOS dated the 6th January, 2012.

Note.2.–The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11thJanuary, 2012.

Note.3.–The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section4 dated the 21stFebruary, 2012.

Note.4. –The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section4 dated the 7th March, 2012.

Note.5. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

Note.6. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 27th November, 2012.

Note.7. –The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2013.

Note.8. –The principal regulations were further amended vide Notification No.308-3/2013-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 3rd December, 2013.

Note.9. –The Explanatory Memorandum explains the objects and reasons of the TelecomConsumers Protection (Eighth Amendment) Regulations, 2015 (5 of 2015).

SCHEDULE - III

Procedure for activation or deactivation of data services on request of the consumer through Interactive Voice Response (IVR) and SMS to toll free common short code 1925 under regulation 10B.

(a) Through Interactive Voice Response (IVR):

Step – 1. On receipt of request from the consumer through IVR, the service provider shall provide to the consumer, over the recorded IVR, the choice of language for interaction, which shall be in English, Hindi and in the regional language;

Step – 2. The consumer is given an option to select the activation or deactivation of data service by pressing the appropriate key for the service to be activated or deactivated;

Step – 3. On pressing the appropriate key, an SMS shall be delivered to the consumer informing him that his request has been received and the service shall be activated or deactivated, as the case may be, within four hours and that he shall receive an SMS confirming action taken on his request;

Step – 4. In case the consumer presses an inappropriate key in step-3, IVR shall inform the consumer that the key pressed is wrong and the procedure listed at step-1 to step-3 shall be repeated;

Step – 5. In case the consumer again presses an inappropriate key in step-4, IVR shall inform that the key pressed is wrong and the call shall be transferred to a call centre agent who shall record the request of the consumer for activation or deactivation of data service, as the case may be, and shall inform the consumer that the service shall be activated or deactivated and that he shall receive an SMS confirming action taken on his request;

Step – 6. In case any key is not pressed for 10 seconds in step-2, the consumer shall be given an option advising him to press 0 to repeat, press 9 to connect to a call-center agent;

Step – 7. On pressing '9' in step-6, the call shall be transferred to a call centre agent who shall take the request of the consumer for activation or deactivation of data service, as the case may be, and shall inform the consumer that the service shall be activated or deactivated within four hours and he shall receive a SMS confirming action taken on his request;

Step – 8. An SMS shall be sent to the consumer, immediately after activation or deactivation of the service, as the case may be, informing him about the successful activation or deactivation of the service.

(b) Through SMS:

Step – 1. On receipt of a request on short code 1925 from the consumer to activate or deactivate data service, the consumer is informed through SMS to send "START" to 1925 for activation of data service and "STOP" to 1925 for deactivation of data service;

Step – 2. In case of receipt of an incorrect response from the consumer, an SMS shall be sent to the consumer advising him to send through SMS "START" to 1925 for activation of data service and "STOP" to 1925 for deactivation of data service;

Step – 3. On receipt of the request through SMS in step-1 or step-2, an SMS shall be delivered to the consumer informing him that the request to activate or deactivate the requested data service, as the case may be, has been received and the service shall be activated or deactivated within four hours and that he shall receive an SMS confirming action taken on his request;

Step – 4. An SMS shall be sent to the consumer, immediately after activation or deactivation of the service, as the case may be, informing him about the successful activation or deactivation of the service.

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Explanatory Memorandum

TRAI had issued the Telecom Consumers Protection Regulations, 2012 on 6th January, 2012 to address the concerns of consumers relating to transparency in tariff offers, transparency in the provision of information relating to activation of vouchers, usage, tariff plan subscribed etc. These regulations were amended seven times in the past to address new issues affecting the interest of consumers.

2. Recently TRAI has been receiving several complaints from consumers relating to charging for data services. These complaints mainly relate to the following:

(1) Non-availability of information relating to data usage. In many cases the customer knows about it only after the balance is exhausted.

(2) Non-availability of information to consumers whenever the data pack is exhausted or when the quantum of concessional or discounted tariff in a plan is exhausted and for further usage the customer is charged at the default tariff for data.

(3) Non-availability of information to roaming consumers to other countries about the tariff for using data on roaming and information relating to usage.

(4) Activation of internet service on mobile phones without the explicit consent of the consumer and deduction of charges for data usage at periodic intervals.

3. Presently the data service is pre-activated with every mobile connection and the moment the connection is activated the data services are also activated. Currently, the use of smart phones in India is increasing rapidly along with the use of data because of availability of various applications and content. These smart phones are loaded with lot of applications which require regular updation using data services. Also a lot of location based services are available on these phones which constantly use data for updation. Unless the consumer sets the mobile data off in the handset, data is regularly used for these activities. In many cases a consumer does require data services but is ignorant about the procedure for stopping on his handset. Also in many cases the consumer may not know about such use of data as information is provided only at the end of the session, by which time the entire balance in the account might be consumed. As such, there is a need for making suitable provisions for taking the explicit consent of the consumer for activation of data services and deactivation of data services.

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4. Prepaid consumers, who are regularly using data services, generally subscribe to data packs, which could be Special Tariff Voucher (STV) or Combo Voucher, which provide for concessional tariff of data services upto a certain limit. In case of post-paid connections, some of the tariff plans also have concessional tariff for data upto certain limit. Also post-paid consumers who use data services may subscribe to add-on packs for data. In many cases the user does not know when this limit has reached since the consumer may be continuously using data services and charged for data services beyond the limit provided in STV or Combo Voucher or Tariff Plan, at the default rate of the tariff plan subscribed by him and the consumer gets a bill shock. In many cases it is observed that the default rate of tariff plan is substantially higher than the tariff under the STV or Combo Voucher or concessional tariff provided in the tariff plan. As such, there is a need to alert the consumer when the usage reaches a certain limit and also when the said limit is reached. Any usage beyond the limit should be with the knowledge of the consumer.

5. TRAI has also received complaints from consumers who had gone on international roaming about huge charges levied for data services and they had no knowledge about such usage and charges while on roaming. Since the charges for data on roaming is substantially higher, it is felt that the consumer should be advised to set the data services off in the handset in case they do not want to use data services.

6. Considering the above, a draft Telecom Consumers Protection (Eighth Amendment) Regulations, 2015 was released for public consultation on 29th April, 2015. The last date for receiving comments was 12.5.2015, which was extended by two weeks upto 26.5.2015. The various issues for consultation are discussed below:-

7. Provision of information about quantum of data used, after every 5000 kilobytes of data usage, to mobile consumers who are not using any data pack:

7.1 The existing regulations already provide for provision of information to prepaid customers relating to quantum of data used, charges and balance in the account at the end of every data session. Postpaid consumers should also have information about the usage. The summary of main comments received from various stakeholders are:-

a) One of the service provider association opined that operators may be allowed the option of giving the information about usage and charges at the end of every data session or the option to send an SMS/USSD after every 5 MB of data used, the quantum of data used during the billing cycle and tariff. However for prepaid consumers, the quantum of data used since the last alert and tariff of data used.

b) Some of the stakeholders including some service providers agreed that an SMS/USSD alert may be sent after every 5MB of data used, about the quantum of data used and charges for the same and also the customer will be prompted to opt for data. However, some suggested a few modifications that for prepaid consumers alert will be given after 5 MB as they are low data consumers and for postpaid consumers alert will be given after 25 MB as sending alert after 5MB for 3G and 4G consumers will give a poor customer experience. One of the service provider, however, requested for time for implementation of the provision.

c) Some of the other stakeholders were not in support of sending such notifications after 5 MB of usage as they were of the opinion that end of session notification would be sufficient. Also in 3G/4G, there will be frequent notification because of heavy data usage and this will create to customer dissatisfaction apart from putting significant additional load on billing platform, SMSC and radio network resources.

7.2 As per the existing provisions of the regulations the prepaid consumers using data services are provided information, at the end of the session, about quantum of data usage, charges deducted and the balance in the account. These provisions of the regulations will continue to be in force. However, in the case of long data sessions, the session may cost substantially to the consumer. Therefore, there is a need to alert the consumer, who has not taken any data pack or add-on pack or does not have any free or discounted tariff for usage of data under a tariff plan, about his usage at periodic intervals during the session for such long data session. Such alerts will be sent to post-paid consumers also so that they could manage their account prudently. Earlier it was proposed to mandate provision of information during the session, after periodic intervals, about usage as well as charges. However, considering the submission of some of the service providers, the Authority decided not to mandate provision of information relating to charges during the data session. Accordingly, the Authority has prescribed that in case of those consumers who have not taken any data pack- STVs or Combo or add-on packs, information about quantum of data used during the session, should be given to such consumers during data session after every 10000 kilobytes (10 MB) of data. For example, if a consumer has used 12000 kilobytes of data in a session, he should be given information after consuming 10000 kilobytes and at the end of the session after consuming 12000 kilobytes. The information given at 10000 kilobytes and 12000 kilobytes should be cumulative.

8. **Provision of information to mobile consumers who are using data pack, through SMS/USSD, about quantum of data used after consumption of 50% of data, 90% of data and 100% of data. Also after 90% usage, provision of information about the applicable tariff after exhausting the said pack:**

8.1 The above proposal was for protecting the interest of consumers who are using data packs through STV or Combo Voucher or add on pack. The summary of comments received from various stakeholders were:-

a) Most of the stakeholders were broadly in agreement with the proposal. One service provider association opined that operators may be either allowed the option that an alert may be sent when the balance in customer's account approaches the data usage quota (eg. at 50MB, 30 MB etc.) or an alert at 80% data usage and 100% data usage as per existing direction.

b) Some of the service providers opined that for post-paid customers an alert at 50%, 90% and 100% could be implemented and also prompting the customer to opt for a new pack. However, for prepaid customers, since they may have opted for multiple data pack an alert may be sent when the balance in customer's account approaches the data usage quota (eg. at 50MB, 30 MB etc.)

c) One service provider opined that the existing practice of giving the information after data session may be sufficient.

8.2 In the case of consumers who have taken data pack such as STV or Combo Voucher or add-on pack or if the tariff plan provides for free or discounted tariff for data usage upto a certain limit, an alert should be given to such consumers each time immediately after consumption of 50%, 90% and 100% of data limit in such data pack or tariff plan. Since most of the stakeholders were in agreement and taking into consideration the submission of some of the service providers, the Authority has also provided an alternative provision for giving such alert when the quantum of balance data available reaches 500 megabytes, 100 megabytes and 10 megabytes.

8.3 Further after consumption of ninety percent of data or when his account reaches ten megabytes, the details of tariff applicable on usage of data beyond the quantum of data available in the account of the consumer should also be communicated.

8.4 For example, a prepaid consumer has taken a data pack providing for 800 megabytes valid for 30 days or a postpaid consumer with a tariff plan offering free usage of data upto 800 megabytes. The alert should be given at 400 megabytes, 720 megabytes and after exhausting 800 megabytes. Alternatively the alerts can be given when the balance data available reaches 500 megabytes, 100 megabytes and 10 megabytes. Also when the limit reaches 720 megabytes or balance reaches 10 megabytes, as the case may be, in addition to the alert, details of tariff applicable on usage of data beyond the data limit should also be communicated.

9. Provision of alert to international roaming customers about deactivation of data service in mobile phone:

9.1 This proposal for provision of alert to international roaming customers was to caution them to 'switch off' data in their handset in case they do not intend to use data service as the charges for data in international roaming is substantially high. All the stakeholders have agreed that alerts can be given to international roaming customers. Hence the Authority has accordingly mandated provision of such alerts to international roaming customers.

10. Activation or deactivation of data services:

10.1 Considering the various complaints being received in TRAI about activation of data services and charging for the same even though the customer does not require data services it was proposed that data services should be activated on mobile only with the explicit consent of the customer. It was also proposed that the consent should be taken through toll free short code 1925 in the prescribed manner and the procedure for deactivation should also be conveyed to consumers through SMS at regular intervals. The summary of comments received from stakeholders is given below:-

a) Most of the service providers and their associations have not supported the proposal for activation of service while supporting re-activation and deactivation of services through the short code. They opined that the current mechanism of deactivation of the data services through short code of 1925 implemented by service providers could give customers, not requiring data services, adequate option to discontinue the services. They also insisted that data services are core service similar to voice and SMSs. Presently customers are not required to activate voice calling and SMS and the same non-discriminatory approach should be exercised for data access.

b) One of the service provider mentioned that 3G/4G are data centric services and such consumer, therefore must be excluded.

c) Some other stakeholders including few service providers have agreed with the proposal but sought time for implementation.

10.2 Subsequently, at the request of Cellular Operators Association of India, a meeting was held in TRAI on 12th June, 2015 with the representatives of Industry Associations and their member service providers to discuss the draft proposals.

10.3 After considering the views of stakeholders, including discussions with the service providers and industry associations, and the interest of consumers, the

Authority decided to mandate the service providers to take the explicit consent of the consumer before activating data services, because of various complaints from the consumers that data services are being activated without their consent. However, considering the views of service providers, the Authority decided that those consumers taking data packs such as STV or Combo Voucher or add-on pack will be deemed to have given their consent for data services. Such consent will be deemed to be only for the duration of validity of data pack or on exhausting the data limit, whichever is earlier. For example, a consumer has taken a data pack of 500 megabytes valid for 30 days and consumes the pack within 20 days. The data in his mobile should be deactivated after 20 days. At the request of TRAI, Department of Telecommunications has also allotted toll free short code 1925 for activation/ deactivation of data services. The Authority has also decided to prescribe the procedure for obtaining the explicit consent of the consumer for activation/ deactivation of data service so that there is no ambiguity or dispute about the consent for data services. Further, for the benefit of consumers, the Authority has mandated that the service providers should inform the customer periodically about the procedure for activation / deactivation of data.

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10.4 For activation of data services for consumers with data only connection, the existing prescribed procedure for CAF verification can also be followed, with explicit consent through 1925.

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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

NEW DELHI, THE 16TH OCTOBER, 2015

TELECOM CONSUMERS PROTECTION (NINTH AMENDMENT) REGULATIONS, 2015
(9 OF 2015)

No. 301-23/2015-F&EA ----- In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

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1. (1) These regulations may be called the Telecom Consumers Protection (Ninth Amendment) Regulations, 2015.

(2) They shall come into force from the 1st January, 2016.

2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations), after clause (ba), the following clauses shall be inserted, namely:- --

"(bb) "call drop" means a voice call which, after being successfully established, is interrupted prior to its normal completion; the cause of early termination is within the network of the service provider;";

"(bc) "calling consumer" means a consumer who initiates a voice call;";

3. After Chapter IV of the principal regulations, the following Chapter shall be inserted, namely :-

"CHAPTER V

RELIEF TO CONSUMERS FOR CALL DROPS

16. Measures to provide relief to consumers. - Every originating service provider providing Cellular Mobile Telephone Service shall, for each call drop within its network,

(a) credit the account of the calling consumer by one rupee:

Provided that such credit in the account of the calling consumer shall be limited to

three dropped calls in a day (00:00:00 hours to 23:59:59 hours);

(b) provide the calling consumer, through SMS/USSD message, within four hours of the occurrence of call drop, the details of amount credited in his account; and

(c) in case of post-paid consumers, provide the details of the credit in the next bill."

(Sudhir Gupta)
Secretary

Note.1. - The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011- QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2012.

Note.4. - The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note. 5. -The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

Note.6. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 27nd November, 2012.

Note.7. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2013.

Note.8. – The principal regulations were further amended vide Notification No.308-3/2012-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 3rd December, 2013.

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Note.9. – The principal regulations were further amended vide Notification No.308-1/2015-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th August, 2015.

Note.10 - The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Ninth Amendment) Regulations, 2015 (9 of 2015).

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Explanatory Memorandum

A- Introduction and Background

1. As per the clause 11 of the Telecom Regulatory Authority of India Act, 1997, the function of Telecom Regulatory Authority of India (hereinafter, referred to as the Authority) shall be, *inter-alia*, to lay down the standards of quality of service to be provided by the service providers and to ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect the interests of the consumers of telecommunication service. In exercise of these powers, the Authority has laid down Quality of Service (QoS) benchmarks for Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service through "The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009" on the 20th March, 2009. Subsequently, these Regulations have been amended from time to time. The Authority has also prescribed financial disincentive upon access service providers for failure to meet the QoS benchmarks. Presently, the benchmarks for both Call Drop (term commonly used for 2G networks) and Circuit Switched Voice Drop (CSV Drop) in 3G networks are <=2%. Both the Call Drop (in 2G network) and CSV Call Drop (in 3G network) have collectively been referred to as Call Drop in this Amendment Regulation.

2. All access service providers in the country furnish reports of their performances on the quality of service parameters on a monthly basis against the benchmark set for each parameter to the Authority. In the past, most of the Cellular Mobile Telephone Service Providers (CMTSPs) have reported to the Authority that they are meeting the benchmark on call drop (<=2%). However, in the last one year, consumers, at various fora, have raised the issue of call drops, complaining that their experience of making voice calls has deteriorated.

3. With a view to explore ways to devise a framework to protect the interests of the consumers, the Authority issued a Consultation Paper (CP) on 'Compensation to the Consumers in the Event of Dropped Calls' on the 4th September, 2015. The stakeholders were to submit written comments on the issues raised in the CP by the 21st September, 2015 and counter-comments by the 28th September, 2015. In response, written comments were received from four industry associations, 11 CMTSPs, two consumer advocacy groups, two organizations and 518 individual consumers. A total of five counter-comments were also received. The comments and the counter-comments received from the stakeholders were placed on the TRAI's website–www.trai.gov.in. An Open House Discussion was held on the 1st October, 2015 in New Delhi with the stakeholders. The key

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issues raised in the CP and the views of the stakeholders thereupon are examined in the succeeding paragraphs.

B- Analysis of the key issues raised in the Consultation Paper

4. Essentially, stakeholder's views were sought with an aim to devise measures to provide relief to consumers in the event of dropped calls with respect to the following:

   (i) **Excess Charging**: The consumers may have to pay in excess of what they consume in the event of dropped calls.

   (ii) **Inconvenience**: The consumers may face inconvenience when their conversations are interrupted due to call drops. They may require making several attempts to complete a conversation.

5. While the CMTSPs and their industry associations have cast aside the option of not charging the consumers for the last pulse of a dropped call, all the consumer advocacy groups, and majority of individual consumers have strongly supported it.

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6. The CMTSPs have argued that any tariff intervention cannot resolve the issue of call drops. They have asserted that the main issues plaguing the telecom sector with respect to the problem of call drops are (i) the instances of sealing/closing down of existing sites for towers by municipal authorities, (ii) problems in acquiring new sites for towers owing to consumer concerns related to adverse effects of electro-magnetic radiations, and (iii) spectrum related issues. Also, the CMTSPs have stressed that they need a concerted and continuous support from the Licensor, Regulator and both Central and the State Governments for resolution of these issues.

7. In addition, the CMTSPs have contended that a large proportion of call drops are beyond their control; a call may get dropped due to problem in any of the three systems viz. originating network, terminating network or the consumer's mobile handset. They have argued that a large proportion of call drops occur for reasons which are beyond the control of originating CMTSP.

8. It has further been argued by the CMTSPs that while signing the Customer Acquisition Form, the consumer is made aware that the network availability is not guaranteed and is made available on an as-is-as available basis. The CMTSPs have further contended that a consumer pays for the services delivered to him/her as per his/her tariff plan and, therefore, mandating the CMTSPs not to charge the last pulse of a call which gets dropped would be against the work-done-principle.

9. The CMTSPs have asserted that, as far as the causes of call drops within their control are concerned, they have been taking all possible measures to minimize them proactively and that, in

the wake of growing consumer concerns about call drops in recent times, they have intensified such efforts in the past two months. They have also stated that the Central Government's recent initiatives of requesting the State Governments (i) to allow installation of telecom towers on the Government's land and buildings, (ii) to establish single window clearance system for Right of Way (ROW) and (iii) to rationalize ROW charges have started yielding results; however, a time frame of three to six months would be required for these initiatives to yield results and to assess their impact.

10. The CMTSPs have also stressed that there are a number of implementation difficulties/ technical constraints in not charging for the last pulse of the dropped call.

11. On the other hand, the consumers have asserted that a consumer derives value from a call only when the sum and substance of the intended conversation stands completed. A large number of consumers have argued that call drops cause inconvenience to them. Some consumers have also contended that the present level of disincentive levied upon the CMTSPs for failing to meet the benchmark for call drop rate should be revised upwards and also the benchmark for call drop rate should be reviewed. They have suggested that the performance of the various CMTSPs must be displayed transparently by the Authority subsequent to QoS tests and have further suggested that CMTSPs must make public disclosures of their capacities, coverage and steps taken to improve quality. They have further pointed out that the CMTSPs must upgrade their networks and be spurred to invest in capacity addition to cater to the ever increasing demands of voice and data.

12. After a careful analysis of the submissions of the CMTSPs stressing the implementation difficulties/ technical constraints in not charging for the last pulse of the dropped call, the Authority has decided not to mandate the non-charging of the last-pulse of the dropped call.

13. On the other hand, providing compensation to the calling consumers for the dropped calls has been strongly supported by most of the consumer advocacy groups and individual consumers. However, it did not receive support from any of the CMTSPs and their industry associations.

14. The CMTSPs have contended that the compensation for call drops by way of crediting talk time/monetary value to consumers is neither justifiable nor practicable on account of a number of reasons that have already been enumerated in earlier Paragraphs.

15. On the other hand, most of the individual consumers and consumer advocacy groups have strongly supported the option of compensation to the consumers for call drops. They have

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argued that the compensation to the calling consumers would not only assuage the inconvenience to the consumers but would also serve as a financial disincentive to the CMTSPs.

16. Though some individual consumers and consumer advocacy groups have opined that compensation by way of credit of talk-time in minutes/seconds would be preferable, it being rate neutral, others have stated that compensation to consumers should be given in monetary terms as it is a transparent mechanism. The monetary limits that have been suggested range from Re. 1 to Rs. 5 for each dropped call. Some consumers have argued that there should be no cap/ceiling on the number of dropped calls for which compensation is to be given, while others have suggested compensation with a limit of 10 dropped calls per week.

17. Most of the consumers have also submitted that an acknowledgement of dropped calls should be sent to the consumer immediately after the occurrence of a call drop.

18. Based on the above, it is clear that while all CMTSPs and the industry associations have argued that question for compensation to the consumers on call drops does not arise as it is neither justifiable nor practicable, most of the consumers and consumer advocacy groups have insisted that they should be compensated by the CMTSPs for the inconvenience caused to them.

19. After a careful analysis, the Authority has come to the conclusion that call drops are instances of deficiency in service delivery on part of the CMTSPs which cause inconvenience to the consumers, and hence it would be appropriate to put in place a mechanism for compensating the consumers in the event of dropped calls. The Authority is of the opinion that compensatory mechanism should be kept simple for the ease of consumer understanding and its implementation by the CMTSPs. While one may argue that amount of compensation should be commensurate to the loss/ suffering caused due to an event but in case of a dropped call it is difficult to quantify the loss/suffering/inconvenience caused to the consumers as it may vary from one consumer to another and also in accordance to their situations. Accordingly, the Authority has decided to mandate originating CMTSPs to credit one Rupee for a dropped call to the calling consumers as notional compensation. Similarly, the Authority has decided that such credit in the account of the calling consumer shall be limited to three dropped calls in a day (00:00:00 hours to 23:59:59 hours).The Authority is of the view that such a mandate would compensate the consumers for the inconvenience caused due to interruption in service by way of call drops, to a certain extent.

20. The Authority is also aware that communication to the consumers is important and therefore, the Authority has decided to mandate that, each originating CMTSP, within four hours of the

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occurrence of call drop within its network, inform the calling consumer, through SMS/USSD message the details of amount credited in his account for the dropped call, if applicable.

21. The Authority is conscious of the fact that for carrying out the afore-mentioned mandate, the CMTSPs would have to make suitable provisions in their technical systems, which would require time and effort. Accordingly, the Authority has decided that the afore-mentioned mandate would become applicable on the CMTSPs with effect from the 1st January, 2016.

22. The Authority shall keep a close watch on the implementation of the mandate as well as the measures being initiated by the CMTSPs to minimize the problem of dropped calls as given in their submissions during the consultation process and may review after six months, if necessary.

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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 19th AUGUST, 2016

TELECOM CONSUMERS PROTECTION (TENTH AMENDMENT) REGULATIONS, 2016
(6 OF 2016)

No. 301-7(2)/2015-F&EA ---- In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

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1. (1) These regulations may be called the Telecom Consumers Protection (Tenth Amendment) Regulations, 2016;

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations), in clause (o), the words "for a period not exceeding ninety days" and provisos thereunder shall be omitted;

3. In regulation 4 of the principal regulations,----

(a) in sub-regulation (2), in clause (c), for sub-clause (iii), the following sub-clause shall be substituted, namely-

"(iii) clearly indicates the validity period of the voucher which shall not exceed ninety days:

Provided that the service provider may offer a voucher exclusively for data with validity period not exceeding three hundred sixty five days:

Provided further that the Special Tariff Voucher for SMS or data, having validity of more than seven days, may be renewed after obtaining the explicit consent of the consumer in accordance with the procedure specified in Schedule I and shall be deactivated, at any time, on the request of the consumer, in accordance with the procedure specfied in Schedule II:

Provided also that no Special Tariff Voucher shall be renewed after its tariff has been revised.

(Sudhir Gupta)
Secretary

Note.1. - The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification No. 308-5/2011- QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2012.

Note.4. - The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note. 5. -The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 22nd October, 2012.

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Note.6. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 27nd November, 2012.

Note.7. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2013.

Note.8. – The principal regulations were further amended vide Notification No.308-3/2012-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 3rd December, 2013.

Note.9. – The principal regulations were further amended vide Notification No.308-1/2015-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th August, 2015.

Note. 10. – The principal regulations were further amended vide Notification No. 301-23/2015-F&EA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 16th October, 2015.

Note.11 - The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Tenth Amendment) Regulations, 2016 (6 of 2016)

Explanatory Memorandum

1. The policy and regulatory framework in the telecom sector focusing on competition, private participation and light-touch regulations has lead to a near-universal access and affordability of mobile telephony in the country. However, it has, so far, not been as successful in spreading Internet access services in the country. The countries which are ahead of India in the growth curve on use of Internet have witnessed a remarkable boost in economic growth, expansion in opportunities and improvement in service delivery on account of increase in Internet access[1]. International experience indicates that use of Internet serves as an enabler to accelerate growth by way of fueling efficiency and innovation. At the same time, it helps in achieving inclusiveness. The potential socio-economic benefits accruing out of the use of Internet seem to suggest that India can immensely benefit if the government and businesses make concerted efforts to ensure that Internet access services reach to one and all.

2. Most of the Internet users in the country consume data (Internet) services on their mobile handsets[2], as the market for wire line telecommunication services in India is much less developed. Even in the wireless segment, the situation of Internet subscription has not been very impressive. Only 31.35 crore wireless subscribers used Internet out of a total wireless subscriber base of 103.37 crore at the end of March, 2016. Thus the penetration of wireless Internet in the country was only 30% at the end of March, 2016. While the wireless data usage[3] grew by about 58% in one year (from the Quarter ending March, 2015 to the quarter-ending March 2016), the wireless subscriber base, which used Internet[4], grew by mere 16% in a year (from 31.03.2015 to 31.03.2016. It seems that the existing subscribers, having discovered the benefits of Internet usage, have increased their consumption of data (Internet), but the non-connected are not getting induced to access internet. Apparently, the challenges in improving wireless Internet penetration have been from both, the demand side as well as the supply side. The following reasons seem to be plaguing the adoption of wireless Internet in the country:

   (i) Low level of literacy and even lower digital literacy

   (ii) Low perceived utility of Internet

[1] As per a World Bank report, a 10% increase in broadband Internet penetration increases the per capita Gross Dommestic Product (GDP) by 1.38% in the developing countries.

[2] About 94% subscribers who use Internet consume it on their mobile handsets (i.e. wirelessly).

[3] The wireless data usage grew from 285431 Terabytes (TB) in Quarter ending March, 2015 to 451185 TB in quarter-ending March, 2016.

[4] The subscriber base which used wireless Internet, has grown from 27.04 crore as on 31.03.2015 to 31.35 crore as on 31.03.2016.

(iii) Lack of adequate Internet coverage

(iv) Non-affordability of data amongst marginal consumers

3. Undisputedly, non-affordability of data offerings is one of the major factors of poor uptake of Internet, particularly amongst the marginal consumers. In the recent past, the Authority, has received many complaints from the consumers stating that the 'special tariff voucher with only data benefits' (popularly known as data-packs) available in the market are unaffordable to them because most of such vouchers have a very short period of validity. As per the framework for tariff vouchers established by Telecom Regulatory Authority of India (hereinafter, referred to as, the Authority) through the Telecom Consumers Protection Regulations, 2012 (hereinafter, referred to as TCPR, 2012), the service providers can offer special tariff vouchers with a period of validity not exceeding 90 days.

4. It is understood that many consumers, who have recently begun using wireless Internet (on their mobile handsets), consume much less data (Internet) services; therefore, a significant portion of the volume of data offered in the data-packs subscribed by them remains unutilized by the time expiry date of data-pack arrives. The unutilized data in the data-pack is forfeited upon expiry of the period of validity. As a result, the effective price per Megabyte of data to such consumers turns out to be much higher. Hence the recent consumer complaints regarding non-affordability of data-packs.

5. Requests have been received in TRAI seeking longer validity for data-packs (i.e. Special Tariff Vouchers with only data benefits) apparently to address the concern of marginal consumers of wireless Internet.

6. The Authority has examined the various aspects of the suggestion to have longer validity in respect of Special Tariff Vouchers providing only data. The question arises as to the maximum validity period that could be allowed for STVs that provide exclusive data. The set of new prepaid consumers on any service provider's network comprises of the following categories:

(i) First-time mobile consumers; and

(ii) Consumers who have migrated from some other service provider's network.

7. Intuitively, a significant portion of both of the afore-mentioned categories of consumers are relatively more price sensitive than an average pre-paid consumer. The service providers devise strategies to serve such consumers through cheaper tariffs to ensure long-term loyalty. Nevertheless, such consumers keep looking for more attractive offers in the market. As a result, the churn-rate for such consumers is much higher than the churn-rate of average prepaid consumers and apparently the

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average lifetime of a new prepaid mobile connection is in the range of six months to a year.

8. Keeping in view the above, it appears reasonable to keep the maximum period of validity for the "data only" STVs, which are intended to be offered to attract marginal consumers, first-time data users and price-sensitive consumers, as one year (365 days).

9. It is expected that allowing "data only" STVs to have validity up to 365 days, exclusively targeted to data usage, would provide more flexibility to the service providers to offer innovative data products. The consumers, who use less of data services than average and those, who are presently not using any data services are likely to be the primary target consumers of such longer validity STVs. If the service providers make available attractive products of this kind, many first-time data users would be induced to try consumption of data services as they may not be required to activate voucher frequently because of longer validity. This is likely to boost Internet penetration in the country and, in turn, would reap socio-economic benefits to the country.

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10. The Authority proposes to allow Access Service Providers to allow an increase in validity up to 365 days (presently 90 days) for offering a voucher exclusively for data within the category of existing Special Tariff Voucher allowed through the TCPR, 2012. Thus an STV with "data only" benefits would be allowed to be offered with maximum one year validity instead of maximum 90 days presently. It is reiterated that such STVs providing "data only" benefits must satisfy all conditions of a STV as specified in TCPR, 2012 including that these shall not be offered in denominations of Rupees 10 or multiples thereof.

11. The draft regulation alongwith the Explanatory Memorandum was placed on TRAI website inviting comments of stakeholders. The stakeholders have overwhelmingly welcomed the proposal to allow longer validity for 'data only' STVs. The suggestions of one Telecom Service Provider that the operators should be allowed to offer the usage of certain apps/websites free to the users, so that such users can be on boarded as internet users was not found consistent with the TRAI regulations on differential pricing of data services. The enhancement in validity of 'data only' STVs up to 365 days has been allowed after due consideration of all related issues including the suggestions received from the stakeholders during the consultation process.

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