

To:

Telecom Regulatory Authority of India, (“TRAI”)

Submitted by EMAIL to: advfea1@traigov.in

Comments to Consultation paper no. 20/2019

“Transparency in Publishing of Tariff Offers”

REPLY filed on behalf of INDIA AGAINST CORRUPTION *jan andolan*

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

A1) **YES**. The TRAI is mandated to protect consumer interest in matters of tariff. To prevent misleading claims and offers by TSPs we say there must a simple, standard and prescribed format for publishing tariff, to allow “a-la-carte” selection like in a restaurant menu, so that an ordinary consumer clearly understands the offer(s) and its components and durations in easily readable language which has no scope for interpretation or misunderstanding.

Question 2: If the answer to the Question 1 is yes, then please give your views regarding desirability of publishing tariffs on various modes of communication viz., TSP website/Portal, App, SMS, USSD message, Facebook, WhatsApp, Twitter, Customer care centers, Sales outlets etc. If the answer to the question is that tariffs should be published on multiple channels as above, please state whether TRAI should prescribe a separate format for each channel. Please also suggest the essentials of the format for each channel.

A2) There should be only a single format for publishing tariff which should be **consistent across all modes of communication**. IAC **OPPOSES** prescribing publication on **FOREIGN MEDIA** like Facebook, Whatsapp, Twitter etc. Irrespective of whichever online mode of communication is used, we suggest that **publication in newspapers be restored and made mandatory**. This is to maintain permanent record (evidence) of tariff offers,

which would otherwise be lost in the flurry / slew of online offers being promoted on dynamic internet based media. In this context, IAC is caused say that earlier TRAI decision to discontinue newspaper publishing of tariffs was retrograde and anti-consumer and it should be restored.

At the very essential format for each tariff plan would have the matrix of

- a) maximum voice calls in minutes/seconds on offer
- b) maximum data in MB/GB/TB on offer
- c) maximum SMS on offer
- d) definitions of various call types (local, national, roaming, premium numbers etc.) on offer
- e) definitions of various data modes (2G/3G/4G/5G/Wi-fi etc.) on offer along **with the assured/guaranteed speeds.**
- f) **Prominently** specify the additional data consumption charges after contracted limit is exhausted and if any “data packs” can be availed, especially for “post-paid users” during billing cycle after exhaustion.
- g) definitions of terms like “unlimited”, “truly unlimited”, “FUP”, “lifetime” etc. as appropriate and avoidance of qualifying terms and exceptions.
- h) Total cost to consumer of each plan, indicating cost of each component and its taxes separately
- i) Duration of plan in days, alternatively – validity of minutes, data, sms etc. if Top-Up.
- j) Whether or not there is any roll-over or **carry forward facility** of unused services bought but not used for any reason.
- k) If any non-telecom products like apps, insurance, subscriptions, coupons etc. are bundled with any package/offer then the **rebate for not subscribing to them.** Alternatively, if any TSP is receiving direct or indirect benefits for non-telecom add-ons then the same must be prominently disclosed along with any conflict-of-interest declarations.
- l) Whether or not any “membership” is “mandatory” for receiving basic telecom services. An example being “PRIME” or “Club” type of annual membership of Rs.99 of certain TSP(s) to receive unspecified benefits allegedly not given to non-club members or of “-X” membership to get “upto 50% faster data speeds” by other TSP(s). Consumers like myself have been threatened by TSPs that even our basic telephony services will be disconnected if we do not subscribe to prime memberships.

- m) If any TSP is offering any “unlimited” component in a “Combo” / “bundle” plan/pack, the TSP must be directed to clearly offer each component of the combo separately so that there is no difference at all between the sum (ie. Combo) and its components. NB: Presently all the TSPs are forcefully selling to consumers “unlimited” voice calls along with limited high speed data which they are not providing. (Please compare with “bouquets” being forced in Broadcasting sector).
- n) That there must be a prescribed format for mandatory **basic services telephony** tariff offer for all TSPs which covers affordable voice calling and SMS only considering that there are so many “feature / candybar phones” which do not connect to internet at all so forcing data on such users is unfair.

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

A3) **No**. The TSPs are deliberately confusing the consumer by pushing so-called “best” plans to their consumers and deliberately hiding away other plans. They confuse the customers by selecting arbitrary number of days, like 28, 21, 24, 54, 56, 70, 82, 84, 90 days and so on just so consumer gets confused. We suggest that all tariffs be offered in multiples of 30 days only and rounded up to the next month (31 days) or year (365 days). Also it is noticed that TRAI tariff micro-site is usually out-of-date and TSPs are not updating.

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

A4) Yes. All, ie. **each and every**, plan on offer should be published and available in public domain. Presently consumers are being cheated in multiple ways by deliberately deceitful “promotional”, “tendered” and “corporate” offers by armies of telemarketing operators. As a result there is a “grey market” in tariffs and scheme which are being used to generate black money and evade taxes by TSPs. It is therefore that essential that each and every scheme or tariff must be published, and every consumer must have

the right to demand it. A typical trick is to have a promotional offer in, say, Uttarakhand which is sold to consumers in Delhi by misusing logins. Another trick was a notorious Rs. 149 scheme to “government employees” which gave unlimited calling and 75 GB of monthly data for which IAC fails to see why a poor person should **cross-subsidise** private corporate employees on fat salaries or for disguised bribes to public servants.

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

A5) **No**. This is just another trick / device which will be used to confuse the innocent public. If everything is published in a simple black-and-white format there will be no scope for confusion and no need for calculators. The terms “enrolment” cost and “continued subscription” is not clear. Is TRAI saying here that new customers to the network will have to more pay for their alleged “cost of acquisition”? Are these commissions for retailers and telemarketers ? We apprehend that afore-described unjustified “Prime / club” annual memberships or “joining fees”, are being used to either (a) impose unwanted non-telecom products on consumers, or (b) give undue selective benefits to members on discriminatory basis or selective basis.

Question 6: Whether the service providers be asked to disclose clearly the implications of discontinuation of tariff plan after expiry of mandatory tariff protection period of six months on the provision of non-telecom services offered as a part of the bundle at the time of subscription to a particular plan? If yes, what should be the exact details that service providers may be required to provide in case of bundled offerings? If the answer is in negative, then please give reasons for not mandating such a disclosure.

A6) This question goes to the heart of the matter. TRAI should have cracked down long ago on the non-telecom addons which were being used to lure subscribers by bundling of insurance (incl. from connected entities),

banking, Netflix, Amazon Prime, Wynk, Hike, JIO-Cinema, Jio-Saavn, Voda Play etc. etc. which are a menace to innocent consumers. **Our response** is that there should be **no bundled non-telecom offerings** permitted at all, and consequently the question of disclosure should not arise.

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

A7) **Yes**. It is an open secret that TSPs have been getting away with wrong reporting, misreporting, non-reporting and all kinds of deceptive and misleading plans. It appears to the consumers that for TSPs all the regulations of TRAI for consumer protection are simply worthless unenforced scraps of paper or which they can circumvent by getting stay orders from manifold courts. It is strange that all TSPs can get away with flouting virtually the entire TRAI Consumer Redressal Regulations 2012.

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

A8) **Yes**. We repeat that “**all**” plans, STV, CVs etc. must be published, there should be no secret plans and all plans, STVs, CVs etc. which have been offered in the past 5 years to anybody should be published and also archived by the TSP, irrespective of whether it is presently active or not. It is known that certain TSPs had been generating huge amounts of black money by misusing of paper recharges, STVs coupons, CVs, special discounts, tendered rates, corporate offers, CUG, etc. When a “profitable” TSP like JIO can offer unlimited calling individual postpaid plan at Rs.199 pm it is

ludicrous that equivalent Airtel and Vodafone whose similar minimum individual postpaid plans are Rs. 499 or Rs.399 pm respectively are allegedly making losses. Are postpaid subscribers of these TSPs having to cross-subsidise the secret corporate plans and government plans of these 2 TSPs? All the so-called “family plans” which incentivize multiple connections with sharing of resources should be banned because they are being misused by telemarketers for these companies. For example I was approached in January 2020 for an unpublished Rs. 201 or suchlike postpaid corporate plan supposedly for MCD employees which tele-marketers (claiming to represent Vodafone) are using to lure MNP users with unlimited calling and 40GB monthly 4G data whereby subscribers are encouraged to give false declaration that they are “part-time employees of North MCD”. Such industry-wide malpractices whereby a subscriber then gets trapped because his number is locked into the TSP by this fraud and cannot MNP out again without MCD’s NoC, can be squashed by proposed transparency.

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

A9) Yes. Furthermore we submit that it must be prescribed as a safeguard that no tariff plan can be offered to any customer unless it has been published/uploaded to TRAI portal at least 72 hours in advance.

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

A10) The tariffs are not being properly presented on websites of most service providers. It is very confusing to use. So Yes, there must be a simple and standardized format prescribed which must be consistent across all TSPs and modes of disclosure. Please see our earlier reply to Query no.2.

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

A11) Yes, this is an excellent suggestion. We submit that as a further safeguard the TRAI must also itself publish all tariffs in the official gazette.

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

A12) Until such time as TRAI is properly empowered by law to enforce its own orders, we feel this query is premature. We respectfully submit that for a variety of reasons, the consumers, like myself, have lost faith in TRAI and view it as a “toothless” body. Consumers are surprised that TRAI does not even impose paltry Rs. 1 lakh penalties which by law it can. Since this public question concerns the heart of TRAI’s monitoring and compliance powers, we are compelled to say, there is no point involving consumers in such consultations if the DoT (licensor) is not a part of the process.

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

A13) Firstly, until the licensor / DoT confers effective enforcement powers on TRAI we feel such “consultations” are a complete waste of time and eyewash.

Secondly, the example of AT&T cited in the paper at para 2.9 is useful, unfortunately the TRAI is not the FCC and is unable to take any similar action against TSPs of India who are cheating consumers every day and not providing promised telecom services and Quality of Service. We question the

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point of TRAI focusing on tariffs and tariff formats merely because some defaulting TSPs are whining they are in poor financial shape, when there is no connectivity (or very poor connectivity) cutting across all TSPs which anybody who uses social media will attest to. This leaves the bad impression in our minds that TRAI is anti-consumer and pro-TSP and pro the TSP associations like COAI.

We submit that TRAI must get its priorities correct by instead focusing on financial interest of defenceless consumers and Quality of Service for consumers rather than financial benefits of TSPs who have been looting the national exchequer and not paying their dues on time. It is a sad situation when TSPs misuse income streams for their consumers for luxurious and wasteful litigation against their consumer interest.

So our counter-query/issue to TRAI is what is purpose of such consultations for **tariff formats** when phones don't work, even 100Mb of promised data of say 1.5GB/day is not supplied, and USO (Universal Service Obligation) funds seem not to be reaching the intended destination or are being diverted – all with no effective grievance redressal in place ?

We desire the opportunity to participate in any OHD at New Delhi to put our views across or to clarify or correct any inadvertent errors in our submissions.

Sincerely

Sarbajit Roy
Telecom Consumer



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