

## **The duties and obligations of the service provider under the different regulations, orders and directions issued by the authority and in particular those relating to tariff, MNP, TCCCPR and VAS:**

### **TELECOMMUNICATION TARIFF ORDERS:**

Telecommunication Tariff is one of the important issues concerning the consumers. The Telecom Regulatory Authority of India Act, 1997, therefore, specifically provides that the Authority may from time to time notify in the official gazette the rates at which the telecommunication services shall be provided within India and outside. Accordingly, the Authority notified the first tariff order called the Telecommunication Tariff Order, 1999 in March 1999. During the course of the years, the TTO 1999 has undergone several changes and amendments. Some of the important consumer centric tariff orders are discussed in this chapter.

#### **Protection against hike in tariff**

- i. A tariff plan once offered by an access provider shall be available to a subscriber for a minimum period of six months from the date of enrolment of the subscriber to that tariff plan.
- ii. The subscriber shall be free to choose any other tariff plan, even during the said six months period. All requests for change of plan shall be accepted and implemented immediately or from the next billing cycle.  
[TTO 31st Amendment Order No. 301-2/2004/Eco. dated 07th July 2004]

#### **Tariff plan with longer validity including life time tariff plans**

- i. Any tariff plan presented, marketed or offered as valid for any prescribed period exceeding six months or as having lifetime or unlimited validity in lieu of an upfront payment shall continue to be available to the subscriber for the duration of the period as prescribed in the plan and in the case of lifetime or unlimited validity plans, as long as the Service Provider is permitted to provide such telecom service under the current license or renewed license. In the case of plans with lifetime validity or unlimited validity, the service provider shall also inform the subscribers of the month and year of expiry of his current license.
  - ii. For any tariff plan, the access provider shall be free to reduce tariffs at any time. However, no tariff item in a tariff plan shall be increased by the access provider
- In respect of tariff plans with prescribed periods of validity of more than six months including tariff plans with lifetime or unlimited validity and also involving an upfront payment to be made by the subscriber towards such validity period, during the entire period of validity specified in the tariff plan;

- In respect of other tariff plans, within six months from the date of enrolment of the subscriber.
- In the case of recharge coupons with a validity of more than six months under any tariff plan, during the entire period of validity of such recharge coupon.

[TTO 43rd Amendment Order No. 301-2/2006/Eco. dated 21st March 2006]

### **Reduction in tariffs for roaming services**

In the earlier roaming tariff regime, there was two-part charging – a monthly fixed charge for access to the roaming facility and airtime charge depending upon the usage. Through an order issued in January 2007, the Authority had introduced a usage based composite roaming tariff, thereby removing the rental component from the charging pattern. Brief highlights of this Tariff Order relating to reduction in tariffs for roaming services are mentioned below:

- The order is applicable for all mobile customers, prepaid and postpaid, and applicable across all types of tariff plans offered by both GSM and CDMA Mobile Operators.
- No rental permitted for roaming in any form.
- No surcharge is leviable for any of the national roaming services.
- No separate PSTN charges on roaming calls.
- Receiving SMS is free while roaming.
- Charges for outgoing SMS while roaming continues to be under forbearance.
- Maximum permissible per minute charges for roaming calls, irrespective of the terminating networks, and irrespective of tariff plans would be:
  - Rs. 1.40 for outgoing local calls
  - Rs. 2.40 for outgoing NLD calls
  - Rs. 1.75 for incoming calls
- Mobile operators cannot charge any type of fixed or recurring charges for accessing roaming facility, like monthly rental, weekly rental, daily rental etc.

[TTO 44th Amendment Order No. 301-34/2006/Eco. dated 24th January 2007]

### **Guidelines for Prepaid Subscribers**

The Authority has observed that majority of the consumers of mobile services are users of prepaid services. The Authority had been receiving complaints from the consumers regarding non-availability of prepaid cards of low denomination value, exorbitant costs for replacement of lost / damaged SIM cards, forfeiture of unused balance at the end of the validity period etc. Taking cognizance of the complaints received from this segment of the mobile users, the Authority, by way of certain amendments to the TTO 1999, has addressed some of the concerns expressed by the consumers.

The salient features of the amendment orders are given below:

- At least one denomination of pre-paid cards offered by every Service Provider must be for an amount of Rs.300.00 or less with a corresponding validity period of at least one month.
- The charges for replacement of lost/ damaged SIM card shall be based on cost with a reasonable mark-up.

- If there is any amount that is unused at the end of the validity period, this amount should be carried over to the renewed card, if such renewal is done within a reasonable, specified period.
- Customer should be prominently and clearly informed of the total amount that is available in the pre-paid card package for making calls, i.e. to pay towards usage.

[TTO 13th Amendment Order No. 303-4/ TRAI/2001 dated 01st May 2001]

### **Incoming calls during full validity**

All services which do not affect “talk time value” including incoming voice calls / SMS shall continue to be available to the Pre-paid subscribers during the entire validity period even after the talk time value is exhausted.

[TTO 30th Amendment Order No. 301-4/ 2004-Eco dated 16th January 2004]

### **Provision of hard copy of the bill free of cost to Postpaid Subscriber**

It had come to the notice of the Telecom Regulatory Authority of India that a mobile service provider was offering post-paid tariff plan in which the subscribers were being given bills through SMS or email. The hard copy of the bill was supplied to the subscribers only on payment of a fixed amount as determined by the operator. Since this practice was framed to adversely affect the interest of consumers, the Authority ordered that the service providers should supply hard copy of the bill free of cost to postpaid subscribers.

[TTO 46th Amendment Order No. 301-36/2007-Eco. dated 24th January, 2008]

### **Transparency in Tariff Offers**

The Authority had in the past issued several guidelines with a view to enhancing transparency in tariff offerings. The Tariff Amendment Order notified on 1st September 2008 mandates further transparency measures as listed below:-

- Where the terms and conditions of any tariff plan with lifetime validity or unlimited validity include any condition or stipulation which requires any subscriber to recharge for any specified minimum amount within specified time periods or intervals during such validity so as to keep the said tariff plan valid, such specified time period or interval, shall in no case be less than 6 months.
- In case of straight tariff reductions, the subscribers shall automatically get the benefit of such reduction without any precondition of any explicit action by the subscriber.
- Subscribers in existing lifetime validity plans or unlimited life time plans can migrate to new lifetime plans or unlimited plans with lower entry fee without having to make additional payment or recharges.

iv. Prepaid subscribers to get full talk time on recharges exclusively meant for provision of talk time value, barring a nominal fee not exceeding Rs.2 towards administrative costs or expenses and applicable taxes.

[TTO 48th Amendment Order No.301-31/2007-Eco dated 1.9.2008]

### **Tariff for porting of a mobile number**

The amendment to the TTO provides that the per port transaction charge specified in regulation 3 of Telecommunication Mobile Number Portability Per Port Transaction Charge and Dipping Charge

Regulations 2009 shall be taken as the ceiling of porting charge payable by a subscriber to the recipient operator for availing the facility of number portability. Currently the porting charge payable by a subscriber shall not be more than Rs.19/- per porting request. The operators are free to charge any amount less than or equal to this charge.

[TTO 49th Amendment Order No. 301-25/2009-ER dated 20th November 2009]

### **TELECOM COMMERCIAL COMMUNICATIONS CUSTOMER PREFERENCE REGULATIONS, 2010:**

In order to curb the menace of unsolicited commercial communications/telemarketing calls, TRAI had insisted for implementation of TCCPR,2010 with effect from 10.10.2011. Consequently, the National Consumers Preference Registry (NCPR), which contains a list of telephone numbers of all such subscribers who do not want to receive the unsolicited commercial calls, had been established.

According to TCCCPR,2010, any such subscriber who do not want to received UCC should register his request to deactivate the receipt of UCC, by dialing '1909'. In case of any subscriber receives UCC after expiry of 7 days from the date of registration in NCPR, he may make a complaint to his service provider by giving details of the call originating telephone number, date and time of receiving the UCC, content of the UCC etc. Every such complaint shall be made by a subscriber within 3 days of receipt of UCC.

The service provider shall acknowledge and verify the validity of the compliant within the day and forward it to the originating service provider within 3 days.

The originating service provider will investigate and take necessary action. The action taken report will be submitted within 3 days of receipt of the complaint from the terminating access provider. The terminating access provider intimates the action taken to the complainant within one day of receiving the report from the originating access provider.

## **TELECOM MOBILE NUMBER PORTABILITY REGULATIONS, 2009**

The Mobile Number Portability (MNP) allows subscribers to retain their existing mobile telephone number when they move from one access provider to another irrespective of the mobile technology or from one cellular mobile technology to another of the same access provider, in a licensed service area. The MNP Regulations seek to provide a framework governing all relevant aspects of MNP.

Salient features of the MNP under these regulations are as follows:

- i. MNP facility shall be available only within a given licensed service area.
- ii. A subscriber holding a mobile number is eligible to make a porting request only after 90 days of the date of activation of his mobile connection. If a mobile number is already ported once, the number can again be ported only after 90 days from the date of the previous porting.
- iii. The subscriber desiring to port his mobile number should approach the Recipient operator (the operator to whom the subscriber wants to port his number). The subscriber may be required to pay porting charge up to a maximum of Rs.19/- to the Recipient Operator.
- iv. The postpaid subscriber making the porting request is required to have cleared all the bills issued prior to the date of porting request. He shall give an undertaking that he has already paid all billed dues to the Donor Operator as on the date of the request for porting and that he shall pay dues to the Donor Operator pertaining to the mobile number till its eventual porting and that he understands and agrees that in event of non-payment of any such dues to the Donor Operator, the ported mobile number shall be liable to be disconnected by the Recipient Operator.
- v. A subscriber may withdraw his porting request within 24 hours of its submission to the Recipient Operator. However, the porting charges shall not be refundable.
- vi. The regulation envisages a maximum time period of 4 days for the completion of porting process in all licensed service areas except in the case of J&K, Assam and North East licensed service areas where the maximum time allowed is 12 days. However, efforts will be made to further reduce the porting period.
- vii. The customer is required to insert new SIM to access the service of the new operator after porting.
- viii. The date of launch of MNP facility to the customer would be decided by the Government.

**Telecommunication Mobile Number Portability Per Port Transactions Charge and Dipping Charge Regulations, 2009 (9 of 2009) and the 49th Tariff Amendment Order dated 20th November 2009**

The Telecommunication Mobile Number Portability Regulations 2009, provides three types of charges, viz. Per Port Transaction Charge, Dipping Charge and Porting Charge. These charges are:-

- i. 'Per Port Transaction Charge' means the charge payable by the Recipient Operator (the operator, where the subscriber is willing to port his number), to the Mobile Number Portability Service Provider for processing the porting request of a mobile number.
- ii. 'Dipping Charge' means the charge payable by an Access Provider or an International Long Distance Operator, to the Mobile Number Portability Service Provider for dipping of each message.
- iii. 'Porting charge' means such charge as may be payable by the subscriber to the Recipient Operator, for porting his mobile number.
- iv. Per Port Transaction Charge shall be Rs.19/- (Rupees Nineteen only)
- v. Dipping Charge is left to mutual negotiation between the Telecom Service Providers and the respective MNP service providers.
- vi. Porting Charge, i.e. the amount to be paid by the subscriber shall not be more than the per port transaction charge which is currently Rs.19/-. The operators are free to charge any amount less than or equal to this charge.

**OBLIGATION OF THE SERVICE PROVIDER WITH REFERENCE TO TELECOM CONSUMER PROTECTION REGULATION, 2012**

**PRESENTATION AND MARKETING OF VOUCHERS**

**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.

## **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 enroll 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 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.

## **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.

### **TELECOM DIRECTIONS ON VALUE ADDED SERVICE**

- i. The service provider cannot provide any chargeable value added service without the explicit consent of a customer. Any value added service, which was earlier being provided free of charge shall not be chargeable without his expressed consent.
- ii. No chargeable value added services shall be activated through pressing of keys on the telephone set / mobile handset unless the explicit consent of the customer is obtained through (i) a customer originated call; or SMS; or interaction session to a specified number; or through a request made in writing or Fax or e-mail; or (ii) through the double confirmation by pressing '\*' (star) key followed by '9' key in the mobile handset/telephone set.
- iii. No chargeable value added service shall be activated through pressing of a single key in the telephone set / mobile handset.
- iv. In case the subscriber seeks to unsubscribe the value added service within 24 hours from the time of its activation on the ground that the subscription was unintentional or accidental, the service provider shall unsubscribe such value added service and reimburse or credit to the customers' account the charges, if any, deducted or levied for subscription to such value added service.
- v. The service provider shall inform subscriber at least 3 days before the due date of renewal of a subscribed value added service, the due date for renewal, the charges for renewal and the toll free telephone number for unsubscribing of such value added service.