



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार /Government of India



September 2nd, 2021

DIRECTION

Subject: Direction under section 13, read with section 11, of the Telecom Regulatory Authority of India Act, 1997, to Telecom Service Providers for ensuring compliance with TRAI's Regulations/ Directions/ Advisories/ Orders in respect of tariff offerings.

No.CC-5/2/(1) /2021-F&EA-1-Part(1): Whereas the Telecom Regulatory Authority of India, (hereinafter referred to as "the Authority"), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as "TRAI Act, 1997"), has been entrusted with discharge of certain functions, *inter-alia*, to regulate telecommunication services; notify the rates at which the telecommunication services within India and outside India shall be provided, and to protect the interests of the service providers and consumers of the telecom sector;

2. And whereas the Authority, in exercise of the power given under sub-section (2) of the section 11 of the TRAI Act, 1997, made the Telecommunication Tariff Order, 1999 (hereinafter referred to as "TTO 1999");

3. And whereas, clause 10 of the TTO 1999, *inter-alia*, reads as following: "**10 Non-discrimination** No service provider shall, in any manner, discriminate between subscribers of the same class and such classification of the subscribers shall not be arbitrary:

Provided that every classification between subscribers shall be based on intelligible eligibility criteria where such criteria shall have a rational nexus to the purpose of the said classification....";

Kaushal
2/9/21.

4. And whereas in respect of giving exclusive tariffs to the customers joining the network of TSP through the process of mobile number portability (MNP), the Authority, vide letter No. 310-7(41)/2010-Eco dated 27.01.2011, clarified that:

"The offering of differential tariff to the subscribers porting from the network of other service provider is not a valid and reasonable classification as the motive behind such classification is apparently to induce churn from the competitors' network and which is discriminatory and contravenes the provisions of clause 10 of TTO, 1999."

Vide the aforesaid letter, all service providers were also advised to withdraw all such tariffs, if operationalized;

5. And whereas in the recent past, the Authority has received some complaints lodged by TSPs against each other, wherein allegations have been made of MNP-specific tariff offering being made by the rival TSPs. Generally, the allegations of such discriminatory MNP-specific tariff offers have been denied by each of them. However, in some cases, it has been stated by a few TSPs that their channel partners may have given some MNP-specific benefits to the customers on their own without the consent and authorization of TSP;
6. And whereas channel partners/ distributors/ retailers/third-party apps are non licensed entities appointed by TSPs for the purpose of offering telecom services and it remains the responsibility of TSPs to adhere to the various regulatory provisions/ guidelines in respect of tariff offerings issued from time to time;
7. And whereas in the considered view of the Authority, MNP-specific tariff offers are violative of the TTO 1999 and other Regulations/Directions/ Orders/etc. issued by the Authority from time to time, in respect of non discrimination in tariff offerings;

Kaushal
2/9/21

8. Now therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with section 11, of the Telecom Regulatory Authority of India Act, 1997, and clause 10 of the Telecommunication Tariff Order, 1999, after having considered all aspects, and with an objective to ensure transparency, uniformity, and protection to subscribers, directs all telecom service providers, with immediate effect, to ensure that -

- i. only the tariffs reported to TRAI are offered through their channel partners/distributors/ retailers/third-party apps/ etc. and ;
- ii. all tariff offers comply with extant TRAI Regulations/Directions/Orders/etc. issued in this regard as, where the TSP's name/brand is used for marketing/ offering/selling products and services, the responsibility of ensuring compliance of TRAI's regulatory guidelines/ provisions shall remain with the TSP.


2/9/21
(KAUSHAL KISHORE)
Advisor (F&EA)

कौशल किशोर / KAUSHAL KISHORE
सलाहकार (एफ. एंड ई. ए.) / Advisor (F&EA)
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India
महानगर दूरसंचार भवन / M.D.S. Bhawan
नई दिल्ली-110002 / New Delhi-110002