

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan

Jawaharlal Nehru Marg (Old Minto Road)

New Delhi - 110002

New Delhi, the 18th September 2020

DIRECTION

Subject: Direction under section 13, 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, on tariff publications.

F. No. 301-16/2019-F&EA — 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 the discharge of certain functions, *inter alia*, to protect the interests of service providers and consumers of the telecom sector and to promote and ensure orderly growth of the telecom sector;

2. And whereas, in accordance with section 11(2) of the TRAI Act, 1997, the Authority may notify the rates at which the telecom services within India and outside shall be provided;

3. And whereas, the Authority has adopted the policy of forbearance in the matters of tariffs except for a few specified tariffs; the flexibility provided to the service providers is subject to compliance with regulatory provisions viz., publication of tariffs by the service providers in a manner as may be directed, compliance of requirements of reporting tariffs to the Authority, the Authority's right to intervene and modify any tariff and requirement of tariffs to be in compliance with regulatory principles of tariff assessment viz., transparency, non-predation and non-discrimination etc.;

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4. And whereas, transparency in communication of tariff by the service providers to the consumers is considered as the prerequisite to achieve the objective of protection of consumer interests and to ensure orderly development of the telecom sector. The transparent access to critical information not only helps the consumers to make informed decision but also helps to maintain and promote competition, which is so vital for growth and development of the sector;

5. And whereas, Clause 9 of the Telecom Tariff Order, 1999, *inter alia*, requires that,

"Tariffs to be charged by service providers from subscribers for telecommunication services along with the conditions thereof shall be published in such manner as the Authority may from time to time direct";

6. And whereas, the Authority in exercise of the powers conferred upon it under section 13 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 and Clause 9 of the Telecommunication Tariff Order, 1999 issued direction No. 301-14/2010-ER. dated 16th January, 2012, *inter-alia*, specifying the formats for publication/advertisement of tariff plans for postpaid and prepaid subscribers. Further, the telecom service providers were directed that all Tariff Plans published in prescribed formats be updated on the website and Customer Care Centre of the service provider every time there is a change in any of the Tariff Plans and make available the updated tariff plans in prescribed formats by the 7th day of January, April, July and October at their points of sale and retail outlets;

7. And whereas, the Authority issued the Telecommunication Tariff (Sixty Third Amendment) Order, 2018 dated 16th February, 2018 which introduced the definition of "Transparency" in the regulatory framework to mean *"the*

disclosure of all relevant information of every Tariff Plan by the service provider which enables the consumer to make an informed choice. The disclosed information, inter alia, is to be accessible, accurate, comparable, complete, distinct and identifiable, explicit and non-misleading, simple and unambiguous”;

8. And whereas, considering the changes in the nature and composition of tariff offers, over a period of time, thereby leading to a possibility that consumers may be facing situation of lack of information, misleading information, unclear or hard to find information and information difficult to assess and compare in the marketplace affecting their ability to make informed choice, the Authority issued a consultation paper on “Transparency in Publishing of Tariff Offers” dated 27th November, 2019 seeking comments of the stakeholders *inter alia*, on measures required to enhance transparency in tariff offers and facilitate subscribers to make informed choice of tariffs;
9. And whereas, the Authority, after due consideration of the comments received from the stakeholders, has arrived at a conclusion that the existing regulatory measures relating to publication of Tariff Plans need to be revised;
10. And whereas, it has become clear that the existing requirements seeking publication of information relating only to Tariff Plans in the prescribed format have become inadequate considering the proliferation of innovative tariff offers in the form of Special Tariff Vouchers (STVs), Combo Vouchers (CVs) and Add on packs as in addition to regular Tariff Plans;
11. Now therefore, the Authority in exercise of the powers conferred upon it under section 13 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 and clause 9 of the Telecommunication Tariff Order, 1999, and in supersession of Direction No. 301-14/2010-ER dated 16th January, 2012, hereby directs that the telecom service providers shall, while making tariff offers:

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Essential disclosures for Tariff Plans

- (A) publish, service area wise, within fifteen days of the date of issue of this Direction, each Tariff Plan for post-paid subscribers and pre-paid subscribers, as applicable, and shall make available such Tariff Plan to the subscribers at the Customer Care Centres, the points of sale, retail outlets and on the website, App of the telecom service provider having the following essential disclosures:
- (i) all important information, viz., units / volume of voice, data and SMS, rates for the same as applicable, limit of usages, rates and speed beyond the entitled use etc.;
 - (ii) complete details of upfront cost along with relevant itemized details, including but not limited to, advance rentals, deposits, connection fee etc. for postpaid services and the startup kit (SUK), Top Up, Tariff vouchers, First Recharge Coupon (FRC) etc. as applicable;
 - (iii) information regarding validity period of the tariff plan and the last date of payment of bill, in a clear, unambiguous and easy to understand manner for consumers;
 - (iv) an exhaustive list of all specific inclusions in tariff plan, such as quantity/rate details of telecom products such as voice, data and SMS along with non-telecom products in case of a bundled tariff offer;
 - (v) complete details of all charges that can be levied on consumers for usage of telecom and non-telecom products beyond the specified entitlement or for telecom and non-telecom products which are not specifically proposed or included in the Tariff Plan;
 - (vi) all the promised service parameters such as data speed etc., in a clear, unambiguous and easy to understand manner; and

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- (vii) complete details of all material conditions including, but not limited to, details of applicable Fair Usage Policy, which is specifically covered in the above paras.

Essential Disclosures for STV/CV/Add on Packs

- (B) publish, service area wise, within fifteen days of the date of issue of this Direction, each tariff offer in the nature of Special Tariff Vouchers/Combo Vouchers/Add on Pack and shall make available such Tariff Offers to the subscribers at the Customer Care Centres, the points of sale, retail outlets and on the website, App of the telecom service provider having the following essential disclosures:
- (i) all important information, viz., units / volume of voice, data and SMS, rates for the same as applicable, limit of usages, rates and speed beyond the entitled use etc., of each STV/CV/Add on Pack, as applicable, and also the Tariff Plan(s) to which the STV/CV/Add on Pack is applicable;
 - (ii) complete details of upfront cost and cost components by whatever name called, including but not limited to, First Recharge Conditions (FRCs), requirement of subscribing to a Tariff Plan to avail benefit of a particular STV/CV/Add on Pack which may entail additional cost, etc.;
 - (iii) information regarding validity period of the STVs/CVs/Add-on Packs and the amount of recharge required at the end of the validity period, in a clear, unambiguous and easy to understand manner for consumers;
 - (iv) an exhaustive list of all specific inclusions in STV/CV/Add on Pack, be it quantity/rate information for telecom products such as voice, data and SMS along with the non-telecom products in case of a bundled tariff offer;
 - (v) complete details of all charges that can be levied on consumers for usage of telecom/non-telecom products beyond the specified entitlement or for telecom/non-telecom

- products which are not specifically proposed or included in the STV/CV/Add on Pack;
- (vi) all the promised service parameters such as data speed etc. in a clear, unambiguous, and easy to understand manner; and
- (vii) complete details of all material conditions which are not specifically covered in the aforesaid information points such as the Fair Usage Policies etc.
- (C)** ensure that the tariffs published in aforesaid manner and referred to in sub-paras (A) and (B) above, are updated on the website, App and Customer Care Centre of the service provider, points of sale and retail outlets every time there is any change in any of the tariff offers or new tariff offer is launched;
- (D)** submit to the Authority a compliance report of the directions at sub-paras (A) and (B) above, within fifteen days of the publication of this Direction; and
- (E)** submit to the Authority, the fact of continued compliance in respect of directions at sub-para (C) above, by way of a self-certificate by 7th of the month following the quarter ending 31st March, 30th June, 30th September and 31st December of the fiscal year.

Kaushal
(Kaushal Kishore) 18/09/20
Advisor (F&EA)

To:
All Telecom Service Providers
(As per list attached)