

To,

Mr. Kushal Kishore,

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Subject : Counter comments to Consultation Paper comments on Transparency in Publishing of Tariff Offers by TRAI.

Some highlights of response of TRAI'S consultation paper are as follows.

BSNL in their response also intimated,

" FUP is not being mentioned by dominant TSP in their tariff details, but are actually applicable in said tariff.

Tata Teleservices Limited in their response intimated,

"customised plans are offered with special terms & conditions which will be difficult to submit to each customer."

"It is not possible to publish all plans of existing customers."

Vodafone Idea in their response intimated,

"Transparency is not only important to consumers, it is also a business imperative for TSPs"

"First recharge condition & fair use policy should be be part of the format."

Airtel in their response intimated,

" We submit that it is not required to publish details of all plans in the prescribed format, including the plans not on offer for subscription but active otherwise."

RJIL in their response intimated,

" We submit that online tariff reporting & publishing on TRAI'S website is very innovative and consumer friendly measure, however, there are still certain persisting or teething issues with the portal which have been highlighted by our separate letters,we request Authority to take measures to make this portal full proof."

TRAI in this consultation paper intimated,

"Typically, consumer faces situation of lack of information, misleading information, unclear or hard to find information and information difficult to assess and compare in the marketplace which affects their ability to make informed choice which serves their needs."

"It has been observed that quite often Telecom Service Providers apply certain tariff policies and put conditions without disclosing the same in adequate detail in an unambiguous manner to the Authority and to the consumers. Details of such policies, either applicable to the entire range of tariff offerings or limited to a subset of the same, is many times neither reported as part of mandatory tariff filings nor made known to customers while displaying tariff through various channels. For example, most of the Telecom Service Providers apply First Recharge Condition (FRC) and Fair Usage Policy (FUP) but the terms for the same are not disclosed or disclosed in an ambiguous manner. Considering that the extant regulatory framework defines tariff as "rate and related conditions"

Based on the comments received would like make a few points ,

To start with I second with TRAI's observation as quoted above, which forced TRAI to come up with with this consultation paper on tariff transparency.

Many of the comments are against displaying all tariff plans , most of them are saying displaying all tariff plans will create confusion, not able to understand the logic, to my understanding, all existing tariff plans, including special tariff plans(if any exists for certain group of customers) transparently need to be displayed along with other existing plans. If TSPs are not displaying non existant plans its ok, but if they are dilbarely hiding some plans which are avialable for selected group of customers then it is against TRAI policy which says tariff plans has to ne non discriminatory. So all the existing plans be it avialable for all customers be it available for selected group of customers need to be displayed by TSPs.

Many stake holders & TSPs intimated in their comments, fair use policies & related terms & conditions are not getting displayed along with corresponding plans & need to be displayed & informed to all stake holders & consumers, I agree with this opinion, to my understanding, many TSPs have put many hidden terms & conditions like, to bar & limit unlimited outgoing calls they are monitoring, analysing & calculating no of incoming calls which against their licensing therms & conditions, they are monitoring mobility & movement of sim card in turn violating & compromising on consumers privacy by monitoring that, & they are doing this in the name of fraud detection, I think be it fair use policy, misuse policy or any other policy, all related terms & conditions need to displayed & informed to consumers to help them make a informed choice, if their all sim movement is being monitored, govt/DOT/TRAI should mandate TSPs to inform the same to all stake holders. Because as per Indian Constitution/ Govt Of India / Supreme Court Of India, right to privacy is a fundamental right of citizens of India, & rampantly checking, analysing sim mobility of consumers is against Indian Constitution, & against Govt Of India / Supreme Court Of directive/mandate/judgment. & if TRAI/DOT really thinks this terms & conditions are required in the system, then TRAI/DOT/TSPs should inform the same to telecom consumers about it, & consumers should be allowed to check the same ie their incoming call logs, their sim mobility logs, based on which it is getting checked whether they are misusing their outgoing call facility or not, because unless & until they can check these logs/details they will not able to restrict themselves from misusing the call facility, & consumers should be informed clearly which criterias,calculations based on which they are detecting fraud, & what is the exact definition of fraud/misuse for them, because unless & until consumers are informed about it how they can restrict themselves committing the fraud/misuse. So misuse/ unfairuse limit mandatorily need to be informed to the consumers.

Some stake holders said same tariff related information & related terms & conditions should not be displayed in all modes of communication, one of the argument given by them is in some mode character limitation is there, in that case where character limitation is there like twitter, url of the plans can be given there, but one & only one format with all related terms & conditions, offers, & related informations need to be displayed irrespective of the mode it is getting displayed, broad casted, communicated to consumers. I think it is the most correct, logical & transparent way to communicate the tariff details.

Many stake holders /TSPs opposed unique id for tariff plan, but I think a unique id for each plan will help in avoiding confusion among consumers & other stake holders. Unique id/nomenclature will help every one to identify & recognise each plans distinctly & help them to make informed choice.

Many of stake holders specially TSPs have opposed new format for all TSPs to be designed by TRAI, now it is upto TRAI to decide how they will establish transparency in tariff offering, but current system need to be changed to my understanding, it is a win-win situation for TSPs only, tariff offerings are kept in forbearance by TRAI which gives all power to TSPs to design the tariff plans as their wish & business requirement, the grievance redressal system also 2 tire in Indian Telecom Industry, so grievance redressal system also managed by concerned TSPs only, so it is high time TRAI, at least take some initiative to keep a check & balance on this, be it designing tariff plans, be it resolving corresponding consumer complains, TRAI & or consumer need to depend & rely on TSPs, it is creating a imbalance on system, so it is high time TRAI step in & creat a system to balance it equally among all stake holders, be it TSPs be it consumers, system should not be partial to either of them, here TSPs are empowered for both tariff design & solving tariff related complain with little intervention from Govt/TRAI/DOT, it is creating a imbalance in the system & need to addressed by TRAI, as said equal importance need to be given to both TSPs & consumers.

In TRAI'S complain management portal all the complains registered with TSPs are not available, so TRAI should make the portal foolproof along with tariff portal as intimated by RJIL , TRAI have introduced Value Added Services Complaint Management System in their website, for tariff related complains a portal can introduced by TRAI to resolve & monitor related complains.

TRAI's aim is to make a transparent system, but for that purpose TRAI is relying on some non transparent word like transparent, because this word transparent is itself a relative, misleading, vague, undefined word unless & until it is defined clearly, so with no clearly defined rule in place TSPs are interpreting the meaning og the word transparent in their own way, now it is upto TRAI to make make it defined in turn transparent, through introducing specified format, tariff calculator, introducing defined format, mandating TSPs to display all plans & terms & conditions clearly, unambiguously, transparently, distinctly, correctly, explicitly as per TRAI's previous directive & asking them to give periodical undertaking for that, mandating TSPs to display all existing plans to avoid discrimination among consumers as per TRAI's previous directive, doing periodic audit by TRAI/ external agencies to check if TSPs are following directive or not & most importantly a 3 tire grievance redressal system need to be introduced to resolve consumer complains, it will make the system more consumer friendly & will help consumer to get resolution for their tariff related issues as per their satisfaction & will put an accountability on TSPs to take complains to its logical end, in turn will help TRAI to make more transparent tariff system & will help in orderly growth of the telecom industry.

regards,
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