

Issues for Consultation

It may please be noted that answers/ comments to the issues given below should be provided with justification.

Justification:

Mobile phones today are not just ubiquitous communication devices, they are also widely used to both verify and actually carry out banking and stockbroking activities, and even to facilitate DTH services. They are moreover used nationally and globally as well as locally. For these reasons retention of a person's cellphone number has become central to the ability to carry out business activity – it has become in effect a form of ID proof.

The stakeholders may also comment on any other issues related to 'Deactivation of SIMs due to Non-usage' along with all necessary details.

Q1: What period of continuous non-usage of a SIM should be kept as criteria for deactivation by the telecom service provider?

- (i) 60 days
- (ii) 90 days
- (iii) 120 days
- (iv) 150 days
- (v) 180 days

(vi) Any other – a period of e.g. 30/60/90 days of no activity after the subscriber's balance drops to zero (but see Answer to Q2:)

Q2: Which (one or more) amongst the following should be included in the scope of activity with regard to the criteria for deactivation of SIMs upon non-usage?

- (i) Outgoing voice call
- (ii) Incoming voice call
- (iii) Outgoing video call
- (iv) Incoming video call
- (v) Outgoing SMS
- (vi) Incoming SMS
- (vii) Data transfer
- (viii) Activation of a voucher – This should include on-line or e-payment.
- (ix) Switching the connection 'ON' by powering on the handset and SIM

(x) Any other – any activity (including some or all of the above) which changes the subscriber's balance (plus or minus). This 'activity' may include deduction of a fee where there has been no activity for e.g. 30/60/90 days but there is a sufficient balance in the subscriber's account to pay the fee.

Q3: Which method(s) should be used for communicating the criteria of deactivation of SIMs to the subscribers in a transparent manner?

This should be included on initial documentation (SUK, CAF etc.) and also intimated by SMS (which may possibly be a mechanism for a non-use fee as suggested in Answer to Q2:).

Q4: Should the condition of deactivation due to non-usage apply in all cases, or should it apply only in those cases where such a condition formed part of the contract at the time of enrolment?

There has been lack of transparency in the implementation of contracts, this has been abetted by the definition that 43rd/48th TTO Amendments apply to 'tariff plans only' – initial contracts are usually for a fairly short period before reverting to 'top-up agreements'.

Q5: Whether there is a requirement of a connection retention scheme for the wireless subscribers who wish to retain their mobile connections active/ live even after long continuous periods of non-usage? If yes, what should be the terms, conditions and charges under such a scheme?

This requirement would be at least partly met by the solution suggested in the Answer to Q1: - but this also raises the question of Lifetime/ LongLife/ LongTerm payments made initially or as part of top-up. There has been considerable lack of transparency in this area -to put it politely! I am aware of many cases where 'full lifetime' fees of several hundred rupees have been paid, only to disappear together with outstanding credit balances for non-use or other arbitrary reason. If lifetime fees are to continue to be charged then they must guarantee retention of connection for a pre-defined period with or without usage.

Any retention scheme, whether part of 'lifetime' or a separate, should be based on charging a fee similar to that suggested in the Answer to Q1: - and this should be based on (and less than) a notional 'fair monthly usage' figure.

Q6: Whether the monetary value remaining on a pre-paid SIM should be forfeited upon deactivation of the SIM due to non-usage or it should be refunded/ returned back to the subscriber?

Under no circumstances should any more than a nominal amount ('for admin purposes') be retained by the TSP – anything more than this is plain theft. Again this could be handled by the mechanism suggested in the Answer to Q1: - I would additionally comment that the quoted average un-used balance of Rs. 4 – 9 in inactive accounts is amazingly low, and even if true on average it must disguise a significant number of cases where it is very much more.

Q7: Whether there is a requirement for specifying a period, within which a wireless subscriber should be allowed to reactivate his SIM, that was deactivated due to continuous non-usage? If yes, what should be such reactivation period and other terms & conditions thereof?

Once again this requirement would be at least partly met by the solution suggested in the Answer to Q1: - but for cases where e.g. subscribers travel away from their home circle or abroad for longer periods then there could be a facility for reactivation during a further period after de-activation. This could be for 180 or 360 days (after an initial hiatus this would not significantly affect the re-cycling of numbers). The fee should be somewhat higher than the 'fair monthly usage' figure discussed at Q5: above.