

Dear Mathewjee,

Please find in the attached document hereto our comments on the consultation paper on certain issues pertaining to the tariff orders. We haven't received any response in regard to our proposal to organize telecom education workshops in Krishna District. Kindly inform us the present status of our proposal sent to you by registered post. Further, I urge to inform us about the parameters that have been taken into consideration by the authority to recognise a consumer organisation as a national, state and district level organization. This information is imperative for us in order to fulfill the parameters prescribed by the authority to enable our selves to claim the status of state level organization as we deserve it by all means.

With warm and personal regards

Divakarbabu Chennupati

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divakar babu chennupati

CHAPTER – 4

“RESPONSE OF THE C.G.S ON CERTAIN ISSUES PERTAINING TO TELECOM TARRIFS”

ISSUES FOR CONSULTATION

We appreciate the strident work undertaken by Telecom Regulatory Authority of India (TRAI) in redressing the grievances of the Indian telecom subscribers and challenges it has been facing in containing the unfair, unethical and anti competitive practices indulged in by the service providers. However, there has been a lot to be done by the TRAI for improving the quality deliverables of services to the subscribers. We propose some of the recommendations for your perusal.

1. What, according to you, are the challenges which Indian telecom subscribers face while understanding and choosing the tariff offers?

Ans. Though TRAI has made regulatory interventions at different points of time for the purpose of facilitating transparency in tariff and exercise of informed choices by telecom subscribers, yet it is a naked fact that most of these directions only remain on paper without any enforceability. Hence, the need of the hour is to ensure strict enforcement of tariff telecom order and directions made to it from time to time in letter and tenor. The biggest challenge encountered by the telecom subscribers is the manipulation of their choices by the service providers by providing skewed, partial, incomplete and misleading information about their tariff packages with an ulterior motive of enriching themselves at the expense of gullible subscribers. Subscribers would be in a position to exercise their informed choices in regard to different tariff packages only when they are provided with full and complete information in a nonpartisan manner. Unfortunately, this is not the ground reality owing to unjustifiable complacency of the regulator. Hence, the regulator needs to play a pro-active role.

2. What according to you are the required measures to further improve transparency in tariff offers and facilitate subscribers to choose a suitable tariff plan?

Ans. Subscribers should have free and easy access to tariff offers of various service providers in a user friendly language. As the regulator has rightly grasped and articulated , that the telecom sector is witnessing tremendous and phenomenal growth in the rural and semi urban sectors. A preponderance of this segment of population is illiterate, ignorant and gullible. Hence, access to information in regard to tariff packages is very vital in enabling subscribers to exercise their informed choices.

- Unfair, untruthful, misleading and alluring content in the tariff ads should be curbed and combated.
- The number of tariff packages should be scaled down from the existing 25 to simplify the process for facilitating a congenial environment for enabling subscribers to exercise their informed decisions.
- Awareness and sensitization of telecom subscribers should be given top priority by adopting a multi-pronged approach by giving a special thrust on rural and semi-literate subscribers as they are worst affected owing to thrusting of unwanted services and tariff plans by the service providers by adopting unfair trade practices

3. Do you think mandating “One Standard Plan for All Service Providers” particularly for the prepaid subscribers as suggested by some consumer organizations would be relevant in the present scenario of Indian telecom market?

Ans. Taking subscribers education forward by novel methods especially in semi-urban areas, one standard plan for all service providers in the case of pre-paid subscribers would not be a pragmatic solution. But tariff plans should not be more than five in the case of pre-paid subscribers, given their preponderance percentage to minimize the manipulation of their choices by the service providers and to enable them to better compare among the available tariff plans.

4. Do you think the existence of large number of tariff plans and offers in the market are beneficial for the subscribers?

Ans. Certainly a loud NO.

5. In your opinion is it necessary to revise or reduce the existing cap of 25 on the number of tariff plans on offer? If so, what would be the appropriate number?

Ans. Yes. Not more than 5 in the case of pre-paid subscribers.

Not more than 10 in the case of post paid subscribers.

6. Should there be any limit prescribed on the rate for premium rate SMSes and calls? If so, what should be the norms for prescribing such limit?

Ans. Premium rate SMS and calls are a big fraud perpetrated on Indian Telecom subscribers by the service providers by acting in glove with unscrupulous persons and entities. We have received a number of complaints against almost all the service providers. The main grouse of the subscribers is that the service providers intentionally make them to wait during the call with an oblique motive of charging more for pandering to their profiteering. Further, most of the contests and quiz events are bogus. Many subscribers have expressed a genuine opinion and concern over these dubious contests. They say that though they had given one hundred per cent correct answers yet the calls were abruptly disconnected to abort the participant from claiming the prize or to disqualify him. The service providers have been reluctant to provide the address details of the deceptive organizers of such dubious and deceptive contests as they are hand in glove with such persons. Unfortunately, the regulator is blissfully unaware of all these acts of chicanery involved and inbuilt in these events. Hence, the regulator has to swing into action to remedy the situation.

- The rates shouldn't be more than three times that of normal prevailing rates.
- Time should be counted only from the time of response of the service provider. Any waiting time in between shouldn't be reckoned for the purpose of billing.
- Pulse rating should be brought to the notice, knowledge and understanding of each caller prior to the rendering of such an actual service for every call.
- If call is disconnected abruptly for whatever reason except due to the fault of the caller, it should not be billed.

7. If not, what further measures do you suggest to improve transparency in provision of the premium rate services to prevent the instances of subscribers availing such services without understanding financial implications thereof?

Ans. The Name & address of the actual provider of such services should be disclosed on the websites of the telecom service providers and also in the brochures disseminated by them.

- Joint and several liabilities should be fixed on the service providers as well as on the organizers of such services in case of any fraud, misrepresentation, unethical and unfair practices indulged in.
- The right of subscribers in case of grievances against such services and remedies available to them should be clearly spelt out.
- Financial implications and billing charges for such services should be informed to them in a user-friendly language and that too in the vernacular language. Further, such information should be divulged for every such call prior to the commencement of billing counting.

8. Do you think there is sufficient justification to allow the service providers to realign the ISD tariff in respect of existing lifetime subscribers in view of the grounds mentioned in their representations?

Ans. Definitely not.

9. What measures do you think are necessary to improve transparency and to prevent instances of un-intended recharges by subscribers in situations of cross-restrictions of recharges?

Ans. No idea.

10. Considering the nature and structure of the prevailing tariff offerings in the market and advertisements thereof, do you think there is a need for TRAI to issue fresh regulatory guidelines to prevent misleading tariff advertisements?

Ans. Definitely Yes.

11. Do you agree that the instances of 'misleading' tariff advertisements listed in this paper adequately capture the actual scenario in the market? If not, provide specific details.

Ans. No. The problem is much graver than what is depicted and portrayed in the consultation paper. In most of the cases, the service providers release selective information, most favourable to them in regard to their tariff plans by intentionally hushing up the unfavourable information with the singular purpose of manipulating the choice of subscribers.

- Some service providers are even using the TRAI's ratings given to service providers in a distortive and deceiving manner to influence the choice of subscribers in an unfair way.

- Most of the service providers are using electronic media to influence the choice of consumers by portraying an untruthful, inaccurate and misleading oral and visual ads..
- The picture at the ground level is very dismal and depressing. The three tier informal redressing mechanism prescribed by the regulatory authority exists only on the paper as the subscribers scarcely get positive response from the call centers and nodal officers. In fact, it is a naked fact that all the service providers are not committal for implementing the three-tier mechanism except for satiating the regulators. Therefore, the subscribers are in quandary in regard to the avenues-both formal and informal-available to them for the redressal of their genuine grievances. The biggest challenge being faced by Telecom consumers in India is the thrusting of unwanted, undesirable and unsolicited value-added services on them without taking their positive consent. The illiteracy, ignorance, unassertiveness and lack of critical information of the Indian subscribers is taken as an advantage by the service providers for pursuing impudently their profiteering. In this context, the regulator has to be a catalyst for increasing the awareness level of subscribers and come out with a novel and pragmatic scheme of redressal mechanism for enabling aggrieved subscribers to resolve their grievances in an inexpensive, expeditious and informal manner.
- The service providers are intentionally indulging in the practice of encouraging subscribers to talk to the customer care at the billing of fifty paisa for every three minutes with an inbuilt design of making the customers to wait for causing more billing units. The information that is provided to the customers even for lodging complaints is not deliberately made not available despite the pain staking efforts of the subscriber in order exert pressure on the subscriber to avail the services of the customer care at the expense of billing.
- Most of the service providers are pestering subscribers in the name of demanding them to furnish address and identity proof though they had already furnished such proof but were mostly misplaced or lost irretrievably owing to the fault of the service provider itself. In some cases, the documents submitted by the subscriber were lost due to lack of co-ordination between the service provider and the franchisee and yet customer is penalized by putting services on hold until he/she furnishes fresh proof. Hence, the service providers should be mandated to issue an acknowledgment in regard to the receipt of address and identity proof from the subscribers to obviate harassment of subscribers.

Stakeholders are free to raise any other issue that they feel is relevant to the consultation and give their comments thereon.

(Stakeholders are requested to send their comments preferably in electronic form by 15th November, 2010 and counter comments, if any, by 25th November, 2010.)

Subject	Comments of the CGS on consultation paper on certain issues relating to the tariff issues
From	divakarbabu chennupati <divakarbabuc@gmail.com>
Date	Saturday, November 13, 2010 6:54 am
To	"Mathew Palamatam,DA TRAI" <daca@trai.gov.in> , toca@trai.gov.in , eco@trai.gov.in , raj.pal@nic.in

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