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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 22nd October, 2012

TELECOM CONSUMERS PROTECTION (FOURTH AMENDMENT) REGULATIONS, 2012 (22 of 2012)

No. 308-5/2011-QOS. ----- In exercise of the powers conferred under section 36, 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(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1) These regulations may be called the Telecom Consumers Protection (Fourth Amendment) Regulations, 2012;

(2) They shall come into force after forty five days from the date of their publication in the Official Gazette.

2. In regulation 2 of the Telecom Consumers Protection Regulations, 2012 (hereinafter referred to as the principal regulations),

(a) after clause (c), the following clause shall be inserted, namely:-

(ca) “Combo Voucher” or “CV” means a paper voucher or electronic voucher which on activation alters one or more items, for a period not exceeding ninety days, in the tariff plan of the consumer and adds monetary value to the prepaid account of the subscriber;

(b) in clause (h), at the end , the words “or Combo Voucher“ shall be inserted;

(c) in clause (v), for the words “to the pre-paid account or for altering one or more items of applicable tariff” the words “to the pre-paid account or for altering one or

more item of the applicable tariff or both” shall be substituted.

3. In regulations 3 of the principal regulations, in sub-regulation (2), at the end, the words “or Combo Voucher” shall be inserted.

4. In regulation 4 of the principal regulations,----

(a) in sub-regulation (1),

(i) in clause(b), the word “and” shall be omitted;

(ii) in clause(c), the word “and” shall be inserted at the end;

(iii) after clause(c) and before the proviso, the following clause shall be inserted, namely:-

“(d) Combo Vouchers.;;”

(b) in sub-regulation (2),----

(i) in clause (a), after sub-clause (iii), the following sub-clause shall be inserted, namely:-

“(iv) is not offered in denominations of ten rupees and multiples thereof.”

(ii) in clause (b), after sub-clause (iv), the following sub-clause shall be inserted, namely:-

“(v) is offered only in denominations of ten rupees and multiples thereof.”

(iii) in clause (c), after sub-clause (v), the following sub-clause shall be inserted, namely:-

“(vi) is not offered in denominations of ten rupees and multiples thereof.”

(iv) after clause (c), the following clause shall be inserted, namely:-

“(d) a Combo Voucher ---

(i) clearly indicates the tariff plan to which it is applicable;

(ii) clearly indicates tariff for different items with their validity;

(iii) clearly indicates the monetary value available in the combo voucher and restrictions, if any, on its validity or usage;

- (iv) clearly indicates, in all publications and promotion materials, the availability of standalone top-up vouchers;
- (v) is not offered in denominations of ten rupees and multiples thereof; and
- (vi) If offered in the form of paper voucher, information about the features including activation restrictions, are printed in font size of not less than eight points.”

(c) in sub-regulation (3), after the words “Special Tariff Voucher”, the words “or Combo Voucher” shall be inserted.

5. In regulation 5 of the principal regulations, in sub-regulation (1),

- (a) in clause (b), the word “and” shall be omitted;
- (b) in clause(c), the word “and” shall be inserted at the end;
- (c) after clause (c), the following clause shall be inserted, namely:-
 - “(d) blue colour band for Combo Vouchers.”

6. In regulation 6 of principal regulations, after clause (c), the following clause shall be inserted, namely:-

“(d) on activation of a Combo Voucher:-

- (i) total amount charged;
- (ii) benefits specific to the voucher;
- (iii) validity period of the specific benefits;
- (iv) net monetary value added; and
- (v) restrictions, if any, on usage or validity period of monetary value.”.

(Rajeev Agrawal)
Secretary

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 6th January, 2012 vide notification number No. 308-5/2011- QOS dated the 6th January, 2012.

Note.2. – The principal regulations were amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 11th January, 2012.

Note.3. – The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 21st February, 2012.

Note.4. - The principal regulations were further amended vide Notification No.308-5/2011-QOS and published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 7th March, 2012.

Note.5. – The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Fourth Amendment) Regulations, 2012 (22 of 2012).

EXPLANATORY MEMORANDUM

1. The Telecom Consumer Protection Regulation, 2012 (TCP R) permits only three categories of vouchers, namely Plan Vouchers, Top-ups and STVs. Subsequent to notification of this Regulation on 6th January, 2012. There have been demands from several service providers and COAI to allow a fourth category of vouchers (Combo Vouchers). The Combo Vouchers would provide monetary value and tariff concessions through a single voucher. TRAI had undertaken a consultation process for seeking the views of stakeholders on the desirability of permitting Combo Vouchers.

2. The feedback received from stakeholders during the consultation process has been analysed. While several stakeholders expressed strong views in favour of Combo Vouchers, some others wanted appropriate safeguards and transparency measures to be prescribed as a pre-condition to allowing Combo Vouchers. Few stakeholders had expressed the fear of possibility of confusion for consumers if Combo Vouchers are permitted.

3. The Combo Vouchers as requested by COAI and some of the service providers would be an additional and optional category of vouchers under the TCP R, and such vouchers would bring more flexibility to the service providers to offer innovative bundling of the products based on market segmentation. Further, use of Combo Vouchers offer the subscriber convenience of topping up their prepaid balance as well as getting benefit of special tariffs through a single transaction.

4. Keeping in view the facts and circumstances of the case as well as the feedback received from stakeholders during the consultation process, the Authority has decided, through the Fourth Amendment to the TCP R 2012, to permit the Combo Vouchers as a fourth category of vouchers with safeguards to ensure that Top Up Vouchers are clearly distinguishable by subscribers in terms of denomination and, in the case of physical vouchers, in terms of colour and further, that the availability of stand-alone Top Up Vouchers is brought to the

notice of the subscribers whenever Combo Vouchers are publicised. In addition, promotions of Combo Vouchers will clearly have to mention the terms and conditions so that subscribers can make an informed choice. While implementing Combo Vouchers, the Authority expects the service providers to ensure that the conditions and restrictions, if any, imposed on the monetary value provided through such vouchers are fair, reasonable and transparently conveyed so as to avoid the possibility of confusion for subscribers.