



## **Counter-Comments on the Consultation Paper: Review of Telecom Consumers Protection Regulations (TCPR), 2012**

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### 1. Introduction

The Telecom Regulatory Authority of India (TRAI) released a consultation paper on July 26, 2024, titled "Review of Telecom Consumers Protection Regulations (TCPR), 2012." This paper seeks to address the evolving needs of telecom consumers in India and proposes updates to the existing regulatory framework. The document invites stakeholders to provide their feedback on several key issues affecting consumer protection in the telecom sector.

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### 2. Background and Purpose

The TCPR, 2012, was initially introduced to enhance transparency in telecom services and ensure that consumers receive accurate information regarding tariff plans and vouchers. Since its inception, the regulations have undergone multiple amendments to adapt to changing market dynamics. The current consultation paper aims to further refine these regulations by considering the latest consumer trends, technological advancements, and market practices.

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### 3. Key Areas for Consultation

#### 3.1 Tariff Plans and Consumer Preferences

The consultation paper highlights the growing diversity in consumer needs and the demand for more tailored telecom services. While bundled tariff plans (combining voice, data, SMS, and digital content) are prevalent, there is a segment of consumers, particularly elderly individuals, who may not require all services offered in these bundles. The paper suggests exploring product-specific tariff plans to better align with consumer preferences, such as voice-only or SMS-only packs.

#### 3.2 Voucher Validity Period

TRAI has noted that consumers prefer vouchers with extended validity periods. The current 90-day limit on Special Tariff Vouchers (STVs) and Combo Vouchers (CVs) may not meet the needs of all consumers, leading to frequent recharges and service



disruptions. The paper proposes extending the validity period of these vouchers to enhance consumer convenience and satisfaction.

### 3.3 Color Coding of Vouchers

Traditionally, physical vouchers have been color-coded to help consumers distinguish between different types of vouchers. However, with the rise of digital transactions, the relevance of this practice is being reconsidered. The paper discusses the potential for introducing digital color coding to maintain clarity and consumer convenience in the digital era.

### 3.4 Denomination of Vouchers

The existing policy reserves the denomination of Rupees Ten and multiples thereof for Top-Up Vouchers only. Given the shift towards digital modes of recharge, stakeholders have questioned the relevance of this restriction. The paper suggests reviewing this policy to allow all types of vouchers to be offered in any denomination, thereby providing more flexibility to service providers and consumers.

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## 4. Questions for Stakeholder Consultation

The consultation paper includes several specific questions for stakeholders to address, such as:

- How do current tariff plans align with consumer preferences, particularly for elderly individuals?
- Is there a need for separate plans for voice, SMS, and data services?
- Should the maximum validity of STVs and CVs be extended?
- How relevant is the color coding of physical vouchers in the current digital landscape?
- Should the denomination of Rupees Ten and multiples thereof be reserved only for Top-Up Vouchers, or should it apply to all types of vouchers?

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## 5. Implications for Telecom Consumers

The proposed changes in the TCPR, 2012, could have significant implications for telecom consumers in India. By introducing more tailored tariff plans, extending voucher validity, and revising voucher denominations, consumers could experience greater flexibility and convenience in managing their telecom services. However, these



changes also require careful consideration to ensure that they do not inadvertently complicate the telecom landscape or disadvantage certain consumer segments.

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## 6. Conclusion

The consultation paper by TRAI represents a proactive effort to keep the TCPR, 2012, relevant and responsive to the needs of telecom consumers in an evolving digital market. By addressing key issues such as tariff plans, voucher validity, and the relevance of physical vouchers, TRAI aims to enhance consumer satisfaction and ensure that telecom services remain accessible and user-friendly.

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### **INDIVIDUAL ANALYSIS OF COMMENTS MADE BY STAKEHOLDERS:**

#### 1. Anantkrishi (Individual)

- Comment: The stakeholder is expressing concern about mobile data charges being too high, which limits access to information and services.
- Counter-Comment: While concerns about high mobile data charges are valid, it's important to recognize that telecom operators often face significant costs related to infrastructure development, spectrum acquisition, and network maintenance. Instead of simply reducing charges, TRAI could explore mechanisms such as tiered pricing or subsidized data plans for economically disadvantaged groups, ensuring broader access while maintaining service quality.

#### 2. Ajay crpf singh (Individual)

- Comment: The comment suggests that there should be a cap on mobile data charges to make them more affordable for consumers.
- Counter-Comment: Imposing a strict cap on mobile data charges could potentially harm the competitive landscape by discouraging investment in network upgrades and innovation. A better approach might be to encourage more competition among telecom providers, which can naturally drive down prices, or to introduce targeted subsidies for essential services.

#### 3. Prottyush Bhaduri (Individual)



- Comment: The comment emphasizes the need for mobile providers to offer more affordable plans tailored to different user needs, such as data-only or voice-only plans.
- Counter-Comment: While affordable, tailored plans can benefit consumers, telecom providers also need flexibility to design and market their services in ways that ensure profitability. TRAI could consider guidelines that promote a wider variety of plan options without mandating specific offerings, allowing providers to respond to market demands effectively.

4. Mr. Kartik Saini (Individual)

- Comment: The comments emphasize that current payment plans and structures are not user-friendly, particularly for elderly consumers.
- Counter-Comment: Enhancing the user-friendliness of payment plans is crucial, especially for elderly users. However, mandating uniform changes across the industry might stifle innovation. Instead, TRAI could encourage telecom providers to develop specialized plans or interfaces tailored to different demographic groups, perhaps even incentivizing providers who cater to elderly users.

5. Dr. Priyanka Meena (Individual)

- Comment: The comment highlights that current telecom tariffs are confusing and not transparent enough for consumers to understand easily.
- Counter-Comment: Simplifying telecom tariffs is an important goal, but overly simplistic regulations could limit the ability of providers to offer innovative or competitive services. TRAI might focus on mandating clear communication and disclosure practices, ensuring consumers are well-informed while allowing providers to maintain a variety of service offerings.

6. sb\_comm@aurobindo.du.ac.in (Individual)

- Comment: The comment highlights that current telecom plans are not sufficiently tailored to meet the specific needs of students and low-income users.
- Counter-Comment: Addressing the needs of specific groups such as students and low-income users is essential, but it's important to balance these needs with the overall sustainability of the telecom sector. TRAI could explore partnerships with educational institutions or government programs to subsidize plans for students and low-income users, rather than imposing universal mandates on all providers.

7. v\_kumar\_comm@aurobindo.du.ac.in (Individual)



- Comment: The comment highlights that current telecom plans are not sufficiently tailored to meet the specific needs of students and low-income users.
- Counter-Comment: Similar to the previous submission, while it's crucial to address the needs of specific groups, a one-size-fits-all approach may not be effective. Encouraging telecom providers to innovate in creating affordable plans for targeted demographics, possibly through regulatory incentives, could be a more balanced solution.

#### 8. Lipika (Individual)

- Comment: The comment stresses that current telecom tariffs are not designed with enough flexibility to cater to the varied needs of consumers.
- Counter-Comment: Flexibility in tariff design is important, but it must be balanced with the need for telecom providers to operate efficiently and profitably. Rather than mandating flexibility, TRAI could encourage a competitive environment where diverse consumer needs drive the creation of flexible and innovative service plans.

#### 9. Dr.R.Subramanian (Individual)

- Comment: The stakeholder is raising concerns about current telecom plans not being affordable and accessible, particularly for rural consumers.
- Counter-Comment: Ensuring affordability and accessibility in rural areas is critical, but regulatory mandates alone may not achieve the desired outcomes. TRAI could consider targeted interventions such as subsidies for rural infrastructure development or incentives for providers that expand services in underserved areas, promoting both affordability and accessibility without imposing undue burdens on the industry.

#### 10 . All India Gaming Federation (Civil Society)

- Comment: Criticizes large digital enterprises for engaging in anti-competitive practices and suggests that the Digital Competition Bill should include provisions to specifically regulate such enterprises.
- Counter-Comment: While addressing anti-competitive practices is crucial, the Digital Competition Bill should balance regulation with the need to foster innovation and growth in the digital economy. Overly stringent regulations may stifle competition and innovation among smaller and emerging enterprises. A more balanced approach could involve targeted regulations that address specific anti-competitive behaviors without imposing blanket restrictions on all large digital enterprises.



#### 11 . Alliance of Digital India Foundation (Civil Society)

- Comment: Highlights several anti-competitive practices by large digital enterprises and advocates for stricter regulations under the Digital Competition Bill.
- Counter-Comment: Stricter regulations may indeed curb anti-competitive practices, but they could also inadvertently create barriers to entry for smaller players or deter foreign investment in the digital sector. The bill should consider a nuanced approach that differentiates between harmful anti-competitive behaviors and legitimate business practices that contribute to consumer welfare and economic growth.

#### 12 . Amazon

- Comment: Amazon addresses concerns about over-regulation, arguing that the bill could lead to increased compliance costs and reduced competitiveness of Indian digital enterprises in the global market.
- Counter-Comment: While concerns about over-regulation are valid, it is essential to ensure that the digital market remains competitive and fair. The bill should focus on creating a regulatory environment that promotes fair competition without imposing undue burdens on businesses. Regulatory impact assessments and stakeholder consultations could help identify and mitigate potential compliance challenges.

#### 13. Facebook

- Comment: Expresses concerns that the bill might disproportionately target large tech companies, potentially leading to unintended consequences such as reduced innovation and market stagnation.
- Counter-Comment: While it is important to avoid disproportionately targeting large tech companies, the bill should ensure that all market participants adhere to fair competition practices. Provisions could be included to safeguard innovation and ensure that the bill's enforcement does not stifle market dynamism. A balanced approach that includes clear guidelines and thresholds for regulation could help achieve these goals.

#### 14. Google

- Comment: Argues that the bill could lead to fragmentation of the digital market, particularly if different states implement different interpretations or additional regulations.



- Counter-Comment: The risk of market fragmentation is a legitimate concern, and the bill should aim to create a uniform regulatory framework across all states. To prevent fragmentation, TRAI could consider incorporating a harmonization clause that ensures consistent application of the bill across different jurisdictions. This would help maintain a cohesive and competitive digital market in India.

#### 15. Microsoft

- Comment: Raises concerns about the potential impact of the bill on cross-border data flows and international business operations, suggesting that the bill could hinder global competitiveness.
- Counter-Comment: The bill should indeed consider the implications for cross-border data flows and international business operations. However, it is also crucial to protect national interests and consumer rights. The bill could include provisions for cross-border cooperation and data transfer agreements that align with global best practices, ensuring that Indian businesses remain competitive while complying with international standards.

#### 16. Netflix (For-Profit)

- Comment: Suggests that the bill could impose unnecessary restrictions on content distribution and digital media services, potentially limiting consumer choice and access to diverse content.
- Counter-Comment: While it is important to avoid unnecessary restrictions on content distribution, the bill should ensure that digital media services operate in a manner that is fair and transparent. Provisions for consumer protection and content diversity could be incorporated into the bill, ensuring that consumer choice is preserved while maintaining a competitive digital media landscape.

#### 17. Snapdeal (For-Profit)

- Comment: Emphasizes the need for the bill to support the growth of Indian e-commerce platforms, particularly small and medium enterprises (SMEs), by creating a level playing field.
- Counter-Comment: Supporting the growth of Indian e-commerce platforms and SMEs is critical, but it should not come at the expense of stifling competition. The bill should include measures that encourage innovation and entrepreneurship while ensuring that all players, regardless of size, adhere to fair competition practices. This could include targeted support for SMEs, such as access to funding and resources, while maintaining strong competition rules.



18 . Gaurav Singh Chauhan (Individual)

- Comment: The individual has requested that TRAI implement a measure where any unused internet data from a consumer's monthly plan is monetized. The equivalent value of this unused data should then be provided as an upfront discount to the consumer during their next recharge cycle.
- Counter-Comment: While the idea of monetizing unused data is consumer-friendly, it could present operational challenges for telecom providers. The fluctuating value of unused data might complicate billing processes and could potentially reduce the incentive for providers to offer competitive data plans. A more feasible approach might be to allow data rollover, where unused data is carried over to the next month, ensuring that consumers do not lose the value of their purchase without adding complexity to the billing process.

19 . Hari Govind (Individual)

- Comment: The individual mentioned that there should be amendments in the tariffs as the recharge is getting costlier. Further, he mentions that a month should consist of 30 rather than 28 days.
- Counter-Comment: Adjusting the monthly cycle to 30 days instead of 28 could simplify billing and align with consumer expectations. However, it's important to consider that the pricing structures are typically aligned with a 28-day cycle to maintain consistency in revenue flow for telecom operators. While the concerns about rising costs are valid, TRAI should focus on encouraging competitive pricing and transparency rather than mandating specific billing periods, which could disrupt the current market dynamics.

20 . Ved Singh Tomar (Individual)

- Comment: The individual advocates for longer recharge validity periods, arguing that many people often use either internet data or regular calls but not both. Therefore, there should be an option for users to choose recharges specifically for cellular calls or internet data, rather than bundled plans.
- Counter-Comment: While offering separate recharge options for data and calls could increase consumer choice, it might lead to market fragmentation and complicate plan offerings. Providers already offer a wide range of options, including separate data packs and voice packs. Extending the validity of these plans is worth considering, but it should be balanced against the need to maintain competitive pricing and the overall sustainability of the telecom ecosystem.





#### 21 . Vinay (Individual)

- Comment: The individual asks for a longer validity of recharges, saying that most people at times either don't use internet data but end up using cellular calls feature or vice-versa. Hence, there must be a choice allowing individual users to opt for recharges meant just for cellular calls or for internet data.
- Counter-Comment: Similar to the previous submission, the request for longer validity and separate recharges for calls and data is understandable but could potentially lead to more complex billing and customer confusion. TRAI should focus on ensuring that existing flexible options are widely available and well-communicated to consumers. Encouraging transparency in plan offerings may better address consumer needs without adding unnecessary complexity.

#### 22. Ritam Chatterjee (Individual)

- Comment: There should be separate plans for voice and SMS services, similar to those offered in countries like Bangladesh, Malaysia, and Singapore. He also mentions that extending the validity period of STVs and CVs in rural areas could be strategic, but warns against potential withdrawal of services by operators due to low returns. The respondent also dismisses the suggestion to price recharges in multiples of 10, stating that digital payments have made this unnecessary.
- Counter-Comment: Introducing separate voice and SMS plans could benefit certain segments of the population, but it may not be necessary across the board given the prevalence of bundled plans that offer value for money. Extending validity in rural areas is a good idea, but TRAI must ensure that it doesn't lead to reduced service availability. Regarding pricing in multiples of 10, it is true that digital payments have reduced the need for such fixed denominations, and flexibility in pricing should be prioritized to meet varying consumer needs.

#### 23 . NCHSE, Bhopal (Organisation)

- Comment: The organization suggests that restrictions on the number of vouchers offered by TSPs, as well as their validity and usage patterns, should be clearly displayed at all retail outlets. They also recommend monthly publications of TSP services in newspapers, extending the validity of STVs and CVs, and rejecting the suggestion of pricing in multiples of 10.
- Counter-Comment: Displaying voucher restrictions and validity at retail outlets could enhance transparency, but mandating newspaper publications might be less effective in a digital-first world. TRAI could encourage digital channels for information dissemination, which are more accessible and cost-effective. Extending the validity of vouchers is worth considering, but TRAI should assess



the impact on market dynamics. Rejecting the fixed denomination pricing aligns with the modern digital payment landscape, and flexibility should be maintained.

#### 24 . IITED (Organization)

- Comment: The organization advocates for consumer choice between bundled and separate plans and suggests increasing the validity of STVs and CVs to 180 days. They also propose color coding for digital vouchers.
- Counter-Comment: Offering both bundled and separate plans is already a common practice, and the focus should be on enhancing consumer awareness about available options rather than introducing new mandates. Extending voucher validity to 180 days could benefit consumers but might require adjustments in pricing and service offerings. Color coding digital vouchers could enhance user experience, but it may also introduce unnecessary complexity. The emphasis should be on clear and simple communication of plan details.

#### 25 . Cellular Operators Association of India (COAI) (Organization)

- Comment: COAI highlights the variety of plans already available and questions the need for voice and SMS-only packs. They advocate for market-driven validity periods and suggest avoiding color coding for digital vouchers. They also propose more flexibility in offering products in fixed denominations.
- Counter-Comment: COAI's argument for market-driven validity and flexibility in product offerings is valid, as it allows providers to adapt to consumer demand and innovate. However, the concerns about excluding certain populations from digital inclusion should be addressed by ensuring that all plans, including voice and SMS-only packs, are accessible to those who need them. Avoiding color coding for digital vouchers could maintain a streamlined user experience, but clear communication remains crucial.

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### **COMMON ARGUMENTS FOUND ACROSS ALL THE COMMENTS ALONG WITH THEIR CORRESPONDING COUNTERS:**

#### 1. High Mobile Data Charges

- Comment: Mobile data charges are too high, limiting access to information and services.
- Counter-Comment: While high charges are a concern, telecom operators face significant costs. Instead of reducing charges across the board, TRAI could



consider tiered pricing or subsidized plans for economically disadvantaged groups to ensure broader access without compromising service quality.

## 2. Cap on Mobile Data Charges

- Comment: There should be a cap on mobile data charges to make them more affordable.
- Counter-Comment: A strict cap could harm the competitive landscape by discouraging investment in network upgrades. Encouraging competition among providers or introducing targeted subsidies might be a more effective solution.

## 3. Affordable, Tailored Plans

- Comment: Mobile providers should offer more affordable, tailored plans like data-only or voice-only plans.
- Counter-Comment: While tailored plans benefit consumers, providers need flexibility to ensure profitability. TRAI could promote a variety of plan options without mandating specific offerings, allowing providers to respond to market demands effectively.

## 4. User-Friendly Payment Plans for Elderly

- Comment: Current payment plans are not user-friendly, especially for elderly consumers.
- Counter-Comment: Enhancing user-friendliness is important, but mandating uniform changes might stifle innovation. TRAI could encourage the development of specialized plans or interfaces for different demographics, possibly incentivizing providers to cater to elderly users.

## 5. Transparent Telecom Tariffs

- Comment: Telecom tariffs are confusing and not transparent enough.
- Counter-Comment: Simplifying tariffs is important, but overly simplistic regulations could limit competitive services. TRAI might focus on mandating clear communication and disclosure practices to ensure consumers are well-informed.



## 6. Telecom Plans for Specific Groups

- Comment: Current telecom plans are not sufficiently tailored for students and low-income users.
- Counter-Comment: Addressing specific group needs is essential, but it must be balanced with the overall sustainability of the telecom sector. TRAI could explore partnerships with educational institutions or government programs to subsidize plans, rather than imposing universal mandates.

## 7. Longer Recharge Validity

- Comment: There should be an option for longer recharge validity, with choices for recharges meant just for calls or data.
- Counter-Comment: Offering separate recharge options could increase consumer choice but might lead to market fragmentation. Providers already offer a range of options, and extending validity should be balanced with maintaining competitive pricing.

## 8. Separate Plans for Voice and SMS Services

- Comment: Separate plans for voice and SMS services should be introduced, similar to those in other countries.
- Counter-Comment: Introducing separate plans could benefit certain segments but may not be necessary across the board. Extending validity in rural areas is strategic, but care must be taken to avoid reduced service availability.

## 9. Restrictions on Number of Vouchers

- Comment: Restrictions on voucher offerings should be clearly displayed at retail outlets, and TSP services should be published in newspapers monthly.
- Counter-Comment: Displaying restrictions could enhance transparency, but newspaper publications may be less effective in a digital-first world. Digital channels for information dissemination should be encouraged.

## 10. Consumer Choice Between Bundled and Separate Plans

- Comment: Consumers should have the right to choose between bundled and separate plans, and the validity of STVs and CVs should be increased.
- Counter-Comment: Both bundled and separate plans are common, and the focus should be on consumer awareness rather than new mandates. Extending voucher validity might require adjustments in pricing.



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## 11. Market-Driven Validity Periods

- Comment: Validity periods should be determined by market forces, and color coding for digital vouchers should be avoided.
- Counter-Comment: Market-driven validity is valid, but care must be taken to ensure all segments are included in the digital economy. Clear communication is crucial, even if color coding is avoided.