

URGENT

07 Nov 2010

The Chairman
Telecom Regulatory Authority Of India
Mahahanagar Door Sanchar Bhavan ,
Jawahar Lal Nehru Marg, (Opposite Ram Lila Ground),
New Delhi 110002

Kind attention: Sh. Raj Pal, Advisor (ER),
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Sir,

**COMMENTS ON CP ON
Certain Issues relating to Telecom Tariffs**

1 ALL the issues of the consultation paper are SUBJECT of wide spread VIOLATIONS by service providers.

None of the discussed issues [except multiplicity of PLANS] -needed NINE MONTHS CONSULTATION followed by CONSULTATION PAPER , especially when the issues were DISCUSSED THREADBEAR in PREPAID COMMITTEE Meetings & the 12 May10 Meeting of CAGs and CEOs of service Providers. It only needed DIRECTIONS by the regulator for AMENDS ie REFUND & PUNITIVE ACTION

**Issues CONCERNING SERVICE PROVIDERS need consideration but not be the EXCUSE TO DELAY and ,EVADE ACTION AGAINST VIOLATIONS & REFUND ORDER.
It will be a shame if this paper is used to LEGITIMISE the wrongs..**

**2 AS 96 % subscribers are PREPAID , mostly illiterate & helpless. We must ensure GENUINE and SIMPLE RECHARGE, Correct / cheap Tariff and USAGE statement without EXPLOITATION.
Presently Prepaid subscriber neither KNOWS what he has paid and where did it disappear.Balance does not INDICATE the tariff, pulse and amount deducted. No USAGE detail.**

International Practice –In developed Countries, where the LITERACY RATE is very high PAY AS YOU GO' is followed . Subscriber buys voucher in the multiple of five pounds- with specified TARIFF . INCENTIVE highlighted as EXTRA TALK TIME .He does not want FREE SERVICE but HATES being cheated . We all OWE it to him that FRAUDULENT PRACTICES stop.

“PREYING on the POOR” is shame for the nation.

A grocer provides an ITEMISED BILL for Rs 320 .00 for the items packed in bag on your order. SALE without INVOICE is ILLEGAL and USAGE detail is his RIGHT. Hence a coupon with details is MANDATORY. Let us not PREY on the illiterate and ignorant.

Our comments on the various issues are given in succeeding paragraphs.

3 Multiplicity of Plans

- Every plan has same component .
- Why so many ?
Rs, 300, 400, 500--- there is no difference .
Why 200, Rs 444 [Restricted by DURATION & DATE] & , Rs 350 [Full Talk]
All thes are there to LURE him to TRAP eg
A] Lower Denomination--Rs 200 is AFFORDABLE and used by most—has Rs 121 PROCESSING CHARGES
B] Rs 444 is RESTRICTED duration or date – Subscriber LOSES on restriction
C] Rs 350 ***EVDING TAX [NATIONAL CRIME & SHAME] .If paid from there KITTY, SP accounts need be checked.***
- Incentives must SPECIFY the free calls, SMS, Roaming etc.
- Displayed at the RETAIL OUTLET
ALL THIS BE ON THE VOUCHER & NOT VERBAL.

For POST PAID subscribers, information about PLANS must be communicated through BILL

- **Multiple Plans are JUST a TRAP and HELP none. In this connection refer to VOICE PRESENTAION before PP COMMITTEE.**
- **VOUCHER for RECHARGE with STANDARD tariff-[no multiple plans] i the INTERNATIONAL PRACTICE.**

HENCE “ONE PLAN for ALL “ Prepaid Subscribers.” is the answer.

Competition

Competition is a FARSE and irrelevant as . the subscriber can not avail of BETTER & CHEAPER service in absence of MNP [Mobile Number Portability]

4 TRANSPARENCY

A] Website Information on WEBSITE is of no consequence as **we have 70 crore subscribers against only 8 crore INTERNET Connections**. Rattling WEBSITE time & again is PREPOSTROUS , a JOKE often repeated.

- **RETAIL OUTLET is the only SOURCE of information for PREPAID SUBSCRIBER.**
- Bills must be used to communicate with POSTPAID subscribers.

B] Documents on enrolment provide basic info to PREPAID SUBSCRIBER ..
He is never UPDATED there after.

C] Citizen Charter , the basic document of INTENT of functioning is missing.
Though the draft was circulated vide your letter no 323-6/2010 of 28 Jul 2010 but there after it seems to be collecting DUST.

D] Levy on Customer Care is designed to **DENY INFORMATION and is like NAILING the TRANSPARENCY.**

E] **Straight tariff reductions are to be posted on to consumers without any precondition- TTO [48 amendment] dt 1 Sep 2008,**
[para 1.27(iii) of consultation paper]

F] **BIGGEST FRAUD played on the consumer, WHICH NEEDED IMMEDIATE ACTION & NO CONSULTATION .**
Banners for 1 Paisa per second were used NOT FOR INFORMATION but EXPLOITATION, [luring to new rates but charging old rates].

G] **Abuse of FORBEARANCE YAWNING on every one—leading to RAUDULENT PRACTICES & CLANDESTINE OPERATIONS.**

H] **Fraudulent Practices & Clandestine Operations List is big & TRAI is fully l aware of these**

i] PULSE

TRAI has standardised the pulse of 30 seconds.
Use of 1 minute or 1 second id to CHEAT & TRAP the CONSUMER.
Why NO CHECK?
This is being ABUSED.

5 PREMIUM RATES

- ***In INDIA, TRAI regulates the telecom services & tariff***
- ***Strangely enough there is NO MENTION of abuse of 139. Clandestine Recovery need be REFUNDED—GROSS & VISIBLE VIOLATION. [Violation of directions issued 3May05—Read para 2.11 of CP]***
- ***NO SUBSCRIBER was ever provided information about TARIFF & DURATION.***
- ***This still continues. WHY?_***
- During last 14 years, in all the meetings of TRAI with stake holders [if true record is maintained] PREMIUM RATES for any NUMBER was rejected UNANIMOUSLY except for REALITY SHOWS. That is the reason NO NUMBERS were allotted for this purpose.
- HELP LINES are allotted THREE DIGIT NUMBER for convenience of dialling and are mostly TOLL TREE.
- ***MNC have BPO in INDIA to SERVE their customers. These BPOs do not charge ISD rates to their customers.***
- ***Strangely RAILWAY BPO does not serve PASSENGERS but PREYS ON THEM and the VERY POOR.***
- Charging PREMIUM RATES without CONSENT of the CONSUMER is illegal
- ***Its INITIATION in Jan 2010 when FOG immobilised every thing, was MOST HENIOUS CRIME compounded by TRAI by not putting a stop.***
- CLANDESTINE RECOVERY of EXCESS AMOUNT must be REFUNDED.
- Need AUDIT / Check of the accounts of Service Providers & BPO[Rail]
- And ACTION against them.

6 Recharge

It has just three components—

Recharge Amount = Talk Time+ Service Tax + RS 2 [Administrative Charges]
All Other Charges are ILLEGAL

Talk Time need be CLARIFIED by stating rates for calls [local, STD,ISD] SMS, Roaming , VAS

International Practice

Developed Countries, where the LITERACY RATE is very high follow" PAY AS YOU GO'. Subscriber buys coupon in the multiple of five pounds- with specified BASIC TARIFF 7 BONUS or INCENTIVE highlighte

Information about USAGE is IMMEDIATELY PROVIDED by customer care.

7 ADVERTISEMENTS

A] Misleading Ads

TRAI directions on of 16 Sep 05 are specific & enough to deal with violations.

Beyond imagination that VIOLATIONS brought to notice were allowed to carry on.

B] Essential Ads

i] Public Advertisement on VIOLATIONS & Names of Violators

Though MILLIONS spent on publishing QoS Survey Reports[of no help to consumer]-NO PUBLIC ADVERTISEMENT was given to warn CONSUMER against FRAUDULET PRACTICES & the defaulting companies.

ii] Even CUTCEF funds have been used on WASTEFUL activities.

8 Abuse of Forbearance

A] BY TRAI

TRAI does not EXAMINE the plans submitted by service providers Leading to its abuse by them and WIDE SPREAD VIOLATIONS. Statement at ix & x of introduction is FAR FROM TRUTH.

B] Service Providers know about DERILICTION OF DUTY by TRAI and Devised DUBIOUS SCHEMES and indulged in FRAUDULENT PRACTICES & CLANDESTINE OPERATIONS.

9 Fraudulent Practices/ Clandestine Operations

The list is big bur the following are admitted by TRAI

Sim card, migration fee , recharge without INVOICE is illegal. Levy on 139 & Customer care carried out WITHOUT Approval.

The list is big bur the following are admitted by TRAI

10 Objective / Intention

- After deliberations during PP Committee Meeting & its report , intention of TRAI & SP became clear. CONSUMERS must live with the wrong doings.**
- Though CEO of service providers[on 12 May 10] were keen to MAKE AMENDS- obstacles put by COAI & AUSPI made their intention clear.**
- This Consultation Paper—after nine months does not ASSURE ACTION but is vague. It exposes the intention of TRAI.[Para xxvii page].**

- **By consulting WRONG DOERS, TRAI has spread SALT ON THE WOUNDS OF CONSUMERS.**
- **And confirm the NEXUS with service providers**

10 CONCLUSION
:CALLOUS FUNCTIONING

All the issues are result of CALLOUS FUNCTIONING . **Consultation Paper will only ENCOURAGE VIOLATORS who have become BOLD and NOT AMENASBLE TO DISCIPLINE.**

- TRAI abdicated the ACT, duties & responsibilities
- Failed to REGULATE telecom services
- Failed to PROTECT consumers
- Staff [Secretary and Advisors] ignorant about regulations & the Act
- ABUSE of FORBEARANCE—Failure of TRAI to examine the Schemes reported by service providers, emboldened them to devise schemes which violate the regulations and indulge in FRAUDULENT PRACTICES and CLANDESTINE OPERATIONS
- Violations of REGULATIONS not checked / curbed
- VIOLATORS not PUNISHED, but CONSULTED
- Violators Promoted by Consulting for NINE MONTHS &
- **Attempted COVER UP and LEGALISING WRONGS by ISSUING CONSUTATION PAPER**
- **Avoiding ACTION & Refund of FRAUDULENT RECOVERIES**
- **Amounted to CONSPIRACY of SILENCE against Consumer- Straight NEPOTISM**
- LOSS of TRAUST by Stake Holders in TRAI ,its INTENSIONS & DESIGN
- Hushing up the deliberations of PP Committee ESTABLISHES NEXUS & MISCHIVIOUS designs and EFFORT to legalise the SINFUL TRANSACTIONS

PREPAID SUBSCRIBER
END OF TRANSPARENCY— PREYING ON THE

We PRAY for ACTION

With regards,

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ISSUES FOR CONSULTATION

1. What, according to you, are the challenges which Indian telecom subscribers face while understanding and choosing the tariff offers?
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?
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?
4. Do you think the existence of large number of tariff plans and offers in the market are beneficial for the subscribers?
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?

Please read PARA 1 to 4 for our DETAILED comments.

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

Please read PARA 5 for our DETAILED comments

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?

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?

Please read Para 6 for comments

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?

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

Please read PARA 7 for comments on misleading as well as MUCH NEEDED ADS