



TELECOM REGULATORY AUTHORITY OF INDIA
Government of India



New Delhi, 4th December 2020

Subject: Directions under section 13, read with sub-sections (1)(b) and (2) of section 11, of the Telecom Regulatory Authority of India Act, 1997, seeking information relating to segmented offers.

F. No. 314-7/2018- F&EA — Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the Authority), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act 1997 (24 of 1997) (hereinafter referred to as TRAI Act, 1997), has been entrusted with the discharge of certain functions, *inter alia*, to regulate telecommunication services; ensure compliance of the terms and conditions of licence; notify the rates at which the telecommunication services within India and outside India shall be provided;

2. And whereas clause 10 of the Telecommunication Tariff Order, 1999 (hereinafter referred to as TTO, 1999) provides that no service provider shall, in any manner, discriminate between subscribers of the same class and such classification of subscribers shall not be arbitrary and tariffs in the nature of vertical price squeeze shall be a case of discriminatory tariff;

3. And whereas the Authority has, while adopting the forbearance regime in tariff, made it mandatory for all the service providers to file their tariffs with it within seven working days from the date of implementation of the said tariff;

4. And whereas the Authority issued TTO (63rd Amendment) Order on 18th February 2018 wherein under para 7.4.2(e)(v) it is stated that “.....*segmented offers which have to be necessarily transparent and non-arbitrary, either for retention or acquisition of new consumers, are to be transparently filed with the Authority in accordance with the reporting*”

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requirement. All such segmented tariffs are to be publicly displayed, inter alia, on the website of the TSPs, for transparent and complete disclosure to consumers, without any discrimination.”;

5. And whereas TTO (63rd Amendment) Order was challenged by a few telecom service providers (hereinafter referred to as TSP) before the Hon’ble TDSAT which vide its order dated 13.12.2018 while partially allowing the appeal of TSPs, *inter alia*, permitted the Authority to seek details of any segmented offer about which it may receive complaints and to seek certain information in general in respect of segmented offers on a monthly basis;

6. And whereas few service providers did not provide the requisite information sought by the Authority citing certain issues, including, inter-alia, the scope of the Order passed by Hon’ble TDSAT dated 13.12.2018 and pendency of SLP filed by the Authority in the Hon’ble Supreme Court against order of the Hon’ble Tribunal;

7. And whereas the Authority filed an interim application before the Hon’ble Supreme Court of India seeking directions to service providers to furnish details of segmented offers to the Authority;

8. And whereas the Hon’ble Supreme Court of India, vide its Order dated 6th November 2020, *inter-alia*, held that:

“ 19..... Hence the I.A is allowed, and a direction is issued to the respondents to disclose information/details sought by the applicant/appellant regarding segmented offers. But it is the duty and responsibility of TRAI to ensure that such information is kept confidential and is not made available to the competitors or to any other person”.

A copy of the order dated the 6th November, 2020 passed by the Hon’ble Supreme Court is attached as Annexure A;

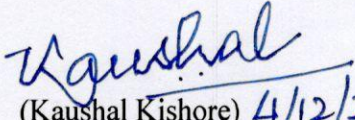
9. Now, therefore, the Authority, in exercise of powers conferred upon it under section 13, read with sub-sections (1)(b) and (2) of section 11, of TRAI Act, 1997 and in pursuance of the Order dated 6th November 2020 passed by Hon’ble Supreme Court of India, hereby directs all the telecom service providers to provide, within fifteen days of the date of issue of

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this direction, on a monthly basis, for each LSA, the following details of segmented offer, for the period from January 2020 till November, 2020 in the format annexed herewith:-

- (i) details of rates and related terms & conditions, quantum of services, name of the tariff plan and validity period of subscription & benefits available to the subscribers in the tariff plan in which segmented offer has been given;
- (ii) number of segmented offer to the existing subscribers under the respective tariff plan at the end of the month;
- (iii) details of rates and related terms & conditions, quantum of services, validity period of subscription & benefits available to the subscribers in each of the said segmented offer;
- (iv) number of subscribers, at the end of each month, who have availed the segmented offer within each tariff plan;
- (v) the declaration that the benefits of such segmented offers have been made available to all the existing customers falling in the segment/class and the principle of non-discrimination has been strictly followed, and--

from the month of December, 2020 onwards, the above-mentioned details of segmented offers shall be submitted to the Authority within ten working days from the last day of the month.


(Kaushal Kishore) 4/12/2020.
Advisor (F&EA)

To
All Telecom service providers

Details of Segmented Offers

Name of LSA: _____

Month: _____

Table 1: Details of number of Segmented Offers

S No.	Details of rates and related terms & conditions, quantum of services, name of the tariff plan and validity period of subscription & benefits available to the subscriber(s) in the said plan in which the segmented offer has been given	No. of segmented offer to the existing subscribers under the respective tariff plan at the end of the month.

Table 2: Details of each of the Segmented Offers

S No.	Details of rates and related terms & conditions, quantum of services, validity period of subscription & benefits available to the subscriber(s) in the said segmented offer	Corresponding Tariff Plan Details	Whether the segmented offer is active as on date	Number of subscribers in each segmented offer at the end of the month

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