

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 7TH MARCH, 2012

**TELECOM CONSUMERS PROTECTION (THIRD AMENDMENT)
REGULATIONS, 2012 (6 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 to amend the Telecom Consumers Protection Regulations, 2012 (2 of 2012), namely:-

1. (1)These regulations may be called the Telecom Consumers Protection (Third Amendment) Regulations, 2012; (2) They shall come into force 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), after clause (t) the following clause shall be inserted, namely:- “(ta) “USSD” or “Unstructured Supplementary Service Data” means a real-time or instant session based messaging services.”
3. In sub-regulation (2) of regulation 3 of the principal regulations, the following proviso shall be inserted, namely:- “ <i>Provided</i> that the service provider may provide to a consumer a tariff plan as part of the Start –Up Kit and such tariff plan shall cease to apply to such consumer on activation of a Plan Voucher.”
4. In regulation 7 of the principal regulations, after the words “provide through SMS”, the words “or USSD” shall be inserted.

(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 Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection (Third Amendment) Regulations, 2012 (6 of 2012).

EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecom Consumers Protection Regulations, 2012 (2 of 2012) on 6th January, 2012 to bring in transparency in tariff offerings, help consumers in understanding the various tariff plans and vouchers on offer. In sub-regulation (2) of regulation 3 of these regulations, it has been provided that the Start-up Kit shall not contain Plan Voucher or Special Tariff Voucher. The Authority has received representations from service providers' associations that it has been the practice of some of the service providers to include base tariff plan as part of the activation kit, and restricting such practice would inconvenience such service providers as well as the consumers. Since inclusion of a base plan in the start-up kit will not affect transparency in tariff offering, the Authority has allowed that tariff plan may be included as a part of the start-up kit (SUK). However, such tariff plan will cease to apply to a consumer upon activation of a Plan Voucher.

2. The service providers' associations also pointed out that provision of information only through SMS, after every call or data usage, could inconvenience the consumers as they have to delete such messages so as to provide for sufficient memory in the mobile handset for receiving such messages. There could also be issues relating to non-receipt of messages on account of lack of memory in the mobile handset. The industry associations have therefore requested that USSD may also be allowed for providing such information. Hence, the Authority has decided to allow USSD along with SMS for provision of information to consumers after every call and data usage. Accordingly, provisions have been made in regulation 7.