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SERVICE WITHOUT ACCESS: A CRITICAL ANALYSIS OF INCOMING CALL RESTRICTIONS IN INDIA'S PREPAID TELECOM REGULATION

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Abstract

The pace of expansion of mobile telecommunications technologies in India has changed access to financial services and governance systems, as well as daily communication. With a predominantly prepaid market of subscribers, the continuity of telecom services is highly linked with periodic recharges, which raises significant concerns of consumer protection and digital accessibility. This paper discusses the legal and implication of suspending the incoming calls & SMS services after expiry of the validity of the prepaid plan as prescribed under the regulatory framework established by the Telecom Regulatory Authority of India. Through a doctrinal and comparative analysis, the study assesses existing telecom regulations, especially the Telecom Consumer Protection Regulations and identifies some critical gaps in ensuring continuity of service. It emphasises the fact that current policies, although legally compliant, do not consider the changing role of mobile connectivity as basic digital infrastructure. In addition to that, the research also further analyses the economic burden overwhelmed by practices leading to (such as the practice of 28-day recharge) and also looks at the wider impact of service disruption impacting financial inclusion, digital access and social connectivity. A comparative assessment with telecom practices worldwide shows that while there is no jurisdiction that requires indefinite incoming services, more consumer-centric approaches, longer validity periods and/or extended grace mechanisms are applied by several countries. The results indicate that India's model of regulation favours market flexibility rather than the protection of consumers using the system, leading to institutional disadvantages for prepaid users. The paper concludes by emphasising the need for regulatory reforms that will ensure minimum service continuity, affordability and alignment of telecom policies to those of digital governance. Such measures are needed in order to strengthen consumer rights and to support an inclusive digital participation.

Keywords: *Prepaid Telecom Regulation; Consumer Protection; Digital Inclusion; Incoming Call Restrictions; Telecom Policy India*

Introduction

The rapid growth in mobile telecommunication changed access to essential services, participation in the economy and digital identity for India. With more than 1.25 billion mobile subscribers, the country is one of the largest markets for telecommunications in the world and is characterised by the overwhelming dependency on pre-paid connections, which account for almost 90 per cent of the users in

the market.[682] This ecosystem that favours leading with pre-payments has allowed for affordability and accessibility, especially in the low to middle-income concentrations. However, it has also brought about regulatory and consumer protection issues, especially regarding the continuity of basic services like incoming voice calls and Short Message Service (SMS) once the prepaid validity expires.

A recent intervention in parliament by Raghav Chadha has once again brought to the limelight an important issue that plays out within this area, which is the suspension of incoming calls and SMS service from telecom operators on the expiry of a prepaid plan. While the restriction of outgoing services in the absence of a valid recharge may be thought to be commercially reasonable, the restriction of incoming communication raises important unifying concerns about fairness, accessibility and the fundamental role of telecommunications in modern life.[683] In a more and more digital world, mobile connectivity is no longer a luxury service but a necessity that goes at the bottom of financial transactions, access to governance, as well as personal security issues.

The effects of such service outages go beyond the convenience. Essential services such as Unified Payments Interface, commonly referred to as UPI transactions, banking authentication using one-time passwords, commonly called OTP, railway ticket confirmation, the Aadhaar-based identity verification system, employment communication, essential contact, to name a few, are disastrously sensitive to perpetuate uninterrupted, although arrive phone calls and small message service (SMS) functionality.[684] The suspension of these services essentially prevents people from participating in important aspects of economic and social life, which raises questions on issues related to digital inclusion and equitable access. This is especially true in countries where the problem is more marked in rural and economically poor communities, where prepaid use is common.

At the heart of this issue is a regulatory grey area in the scheme of a regulatory framework set up by the Telecom Regulatory Authority of India (TRAI). As per the consumer protection guidelines of TRAI, the incoming call and SMS services, which do not impact the value of talk time, must be available during the validity period of a prepaid plan, even after the talk time balance is exhausted.[685] However, this protection is clearly confined to the validity period of the plan of insurance. Upon the validity expiry, the telecom operators are legally allowed to suspend the incoming and outgoing services. This distinction leaves a gap between regulatory intent and consumer expectation, so that practices that may be technically in accord with regulations but are seen as exploitative or anti-consumer may be allowed to proceed.[686]

Further complicating the issue is the very much criticised 28-day recharge cycle used by telecom operators operating in India. Unlike traditional billing systems based on calendar months (30-31 days), in the 28-day cycle, the consumer has to recharge about 13 times a year rather than 12. [687]This practice has been criticised, because it places an implicit financial burden on users, especially when used together with the risk of service disruption when their services expire. Critics point out that this model focuses more on optimising revenue rather than consumer welfare, which has led to a lack of consumer trust in the telecom service providers and regulatory surveillance.

Existing regulatory provisions under the Telecom Consumer Protection Regulations (TCPR), including the 6th amendment attempt at addressing some aspects of the protection of

[682]Telecom Regulatory Authority of India. (2023). The Indian Telecom Services Performance Indicators. TRAI.
[683]Chadha, R. (2024). Parliamentary debate on telecom consumer practices. Rajya Sabha Secretariat.
[684]Reserve Bank of India. (2023). Digital Payments in India: Trends and Statistics. RBI.
[685]Telecom Regulatory Authority of India. (2019). Telecom Consumer Protection Regulations (TCPR), Sixth Amendment. TRAI.
[686]Department of Telecommunications. (2022). Consumer Rights and Telecom Services in India. Government of India.
[687]Consumer Unity & Trust Society (CUTS). (2021). Prepaid Mobile Tariff Structures and Consumer Impact.

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the subscriber, include the provisions requiring that pre-paid connections must not be deactivated for lack of use to the extent of at least 90 days, provided a minimum balance threshold is maintained. In addition, there is a grace period before the full deactivation. However, these do not explicitly ensure the continuity of incoming services during the post-validity period and constitute a major gap in consumer protection. As a result, users may not actually lose ownership of their mobile numbers, but they will be operationally disconnected from the vital channels of communication.

When set up in a global perspective, the Indian approach can be seen as relatively restrictive. Many developed telecommunication markets, such as those in the European Union, the United States, and the United Kingdom, have an extended time of validity and more consumer-friendly grace policies, which in many cases allow incoming services on the number until it is completely deactivated. [688]While none of the jurisdictions has indefinite free incoming services, regulatory frameworks in these areas tend to focus on transparency, reasonable validity terms and user protection. In contrast, prepaid-dominant markets, such as Bangladesh and Pakistan, also have a similar set of challenges, pointing towards an overall structural problem in emerging economies.[689]

This paper attempts to examine the legal, regulatory and consumer protection aspects of incoming call and SMS suspension in the Indian prepaid telecom sector. It leads to the evaluation of the adequacy of existing TRAI regulations, to the socio-economic implications that can arise out of the discontinuity of services, and the need of policy reform in the light of changing digital dependencies. By placing the issue in both domestic and international perspectives, the study seeks to add to the growing discourse on the desire to balance commercial interests with consumer rights in the telecom industry.

Literature Review and Research Gap

The issue of prepaid telecom regulation and consumer protection has been studied in a range of policy reports, regulatory documents and academic discussions, but often in disjointed ways. Existing literature broadly focuses on affordability, market competition and digital inclusion but gives limited attention to continuity of basic services (incoming calls and SMS) after expiry of prepaid validity. This gap is sensationally important given the central role of mobile connectivity for participating in modern economic and social systems.

Reports published by Telecom Regulatory Authority of India (TRAI) mainly focus on tariff transparency, quality of service and awareness of the consumer. The Telecom Consumer Protection Regulations (TCPR), in particular, their sixth amendment, provide for the protection against arbitrary deactivation of prepaid connections, and also provide for grace periods under certain conditions. However, these regulations fall short of addressing the issue of whether incoming communication services should be kept active after the validity of the plan, and thus, leave a crucial grey area when considering consumer protection frameworks.[690] TRAI's consumer-facing documents accept the fact that incoming services are only protected during the validity period of the service, which has been implicitly allowing the telecom operators to suspend such services when the plan expires.[691]

Scholarly and policy-oriented studies of organisations like Consumer Unity & Trust Society (CUTS) have examined in detail the prepaid tariff structures and their impact in terms of how pricing models, including the 28-day recharge cycle limit, impose a hidden

[688]Telecom Regulatory Authority of India. (2020). FAQs on Telecom Consumer Protection. TRAI.
[689]European Commission. (2022). Telecom Consumer Protection in the EU.
[690]International Telecommunication Union. (2023). Global ICT Regulatory Outlook. ITU.
[691]Telecom Regulatory Authority of India. (2019). Telecom Consumer Protection Regulations (TCPR), Sixth Amendment.

financial cost on consumers.[692] These pieces of research criticize that such practices tend to impact the low-income group users disproportionately, as lower-income users are more likely to use prepaid connections and are thus impacted disproportionately during any disruption in service. However, although such analyses discuss economic implications, they fail to address sufficiently the legal permissibility or more general socio-digital implications of limiting incoming services.

At a global level, research by the International Telecommunication Union (ITU) and the European Commission has been directed at, among other things, consumer rights, access to services, and regulatory good practice in telecommunications. These studies suggest that developed markets are more likely to have longer validity periods and more flexible grace mechanisms, to ensure that users have access to critical communication services for longer periods. However, such frameworks do not expressly support the indefinite suspension of incoming calls, but are instead based on more general principles supporting fairness, transparency and consumer protection. This implies that though India's approach of regulation is not unique for the world, it is comparatively not aligned with the evolving worldwide standards that give a precedence to user continuity and digital inclusion.

Another body of literature, especially from financial and digital governance institutions such as the Reserve Bank of India (RBI), is accentuated on the dependence on mobile connectivity towards accessing basic services. The integration of mobile numbers with financial systems, digital pecuniary transfer and the underscoring of identity verification mechanisms has basically changed the access to telecom to a base component in the electronic components infrastructure.[693] Despite that, discussions within the regulatory environment have not done enough to bridge this dependency and broaden current telecom policies to keep pace with technological realities and respect legal protections.

The latest dimension of this debate has been given a voice in the parliament, especially during interventions by Raghav Chadha who has pointed out the consumer effect of incoming call restrictions and the structural problems in prepaid pricing models. While such contributions allow political and public attention to be brought to the issue, they cannot replace systematic analysis by academics or, indeed, reforming policy based on empirical work.

Research Gap:

A critical review of the current literature has revealed three significant gaps. First of all, the fact that there is no specific legal analysis about the permissibility and fairness of stopping the incoming services post validity, as per Indian telecom regulations. Second, there has been inadequate consideration of intersectionality between telecom policy and digital dependency, especially when it comes to financial inclusion and identity systems. Third, there have not been sufficient comparative studies to evaluate India's regulatory framework in line with the global best practices in a structured manner. This paper aims to fill these lacunae by offering an integrated analysis, bringing together legal scrutiny, assessment of consumer impacts, and international comparison.

Research Objectives and Methodology

The contemporary reliance on mobile telecommunications as a sight into financial services, identity verification, and daily communication has laid bare the results of the lack of regulatory protection of the prepaid user in India. While present rules framed by the Telecom Regulatory Authority of India provide a basic roadmap for consumer protection, it does not provide adequate benefit to consumers in relation to continuity of essential services such as incoming calls and SMS after expiry of

[692]Telecom Regulatory Authority of India. (2020). FAQs on Telecom Consumer Protection.
[693]Consumer Unity & Trust Society (CUTS). (2021). Prepaid Mobile Tariff Structures and Consumer Impact

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prepaid validity. This study is meant to begin the process of examining these regulatory shortcomings systematically and also to measure their wider implications.

Research Objectives

The main objective of the present research is to critically review the legality, fairness, and ensuing impact on consumers of suspending incoming communication services in prepaid mobile connections after the expiry of the validity of the plan. To do this, the study is based on the following specific objectives:

1) To analyse the current legal and regulatory framework governed by Prepaid service in India, with special focus on Provisions relating to continuity and deactivation of service.
2) To examine whether the lack of incoming calls and SMS is consistent with principles of consumer protection and digital access in a more and more interconnected environment.
3) To stress the economic and structural issues of the prepaid tariff practices, including 28 day recharge cycle, on the welfare of the consumer.
4) To assess the prevalence to which current telecom policies reflect the evolving role of mobile numbers as critical digital infrastructure bound up in a relationship with banking, identity, and governance systems.
5) To compare India's regulatory approach to international practices to identify the gaps and possible areas for reform.

These goals are aimed at going beyond descriptive analysis and giving a structured, evidence-based assessment of the problem with both a legal and policy perspective.

Research Questions

In accordance with the above-explained objectives, the current study aims at addressing the following research questions:

1) In your view, does the existing regulatory regime in India provide adequate protection to the regulated prepaid users against service disruption, especially in relation to the incoming call and SMS?
2) To what extent would the suspension of incoming services after expiry of plan be legally justified as per current telecom regulations?
3) How do prepaid pricing schemes such as 28-day validity cycle affect the monetary and functional cost to consumers?
4) Does the limitation in incoming communication compromise communication with essential digital services such as banking, authentication and emergency communication?
5) How does India compare with international regulatory norms with reference to consumer protection and maintenance of services?

Methodology

This study takes a qualitative and doctrinal research approach, which employs legal analysis along with comparative and policy-oriented evaluation. The approach is organised around three key factors or components.

First, a doctrinal legal analysis is made to check the primary sources such as the Telecom Consumer Protection Regulations (TCPR), licensing conditions from the Department of Telecommunications, official guidelines and FAQs published by TRAI. This analysis touches on locating the scope, limitations and ambiguities in the current regulatory system, and especially where it relates to the validity of prepaid service and the permissibility of restricting incoming communication.

Second, the study includes a comparative analysis of the international regulatory practices. Analysing frameworks in jurisdictions such as the European Union, the United States, and the United Kingdom, the research identifies broader trends in consumer protection relating to telecoms, such as valid periods, grace mechanisms, neighbourhood and continuity of

services. This comparison is used to put India's position in perspective and draw attention to deviations from the best practices in the world.

Third, the research is based on secondary data analysis, based on reports published by institutions such as the Reserve Bank of India (RBI), International Telecommunication Union (ITU) and consumer advocacy organisations. These sources bring readings on the digital dependency for payments, the use patterns for telecom, and the socioeconomic impact of the service interruption.

The methodology emphatically is not focused on empirical field work and is analytical in approach. While lacking in primary data collection, it makes up for this in the rigour of its scrutiny of legal texts, policy documents and comparative frameworks. This approach is important to ensure the study is based upon authoritative sources while addressing both a legally nuanced and socially important policy issue.

Legal and Regulatory Environment Analysis

The regulation of prepaid mobile services in India is largely based on the guidelines and directives issued by the Telecom Regulatory Authority of India (TRAI), as well as policy direction by the Department of Telecommunications (DoT). While these frameworks set out measures to protect consumers from harm at a minimum, within that scope, the frameworks also leave notable gaps open, specifically in terms of incoming voice calls and SMS after the expiration of validity on prepaid plans.

At the centre of this regulatory structure are the Telecom Consumer Protection Regulations (TCPR) which are aimed at ensuring transparency, fairness and accountability in the delivery of telecom service. The sixth amendment to these regulations added some provisions designed to prevent arbitrary deactivation of prepaid connections. In particular, it states that a prepaid mobile number will not be deactivated for non-usage for a minimum period of 90 days where a balance over 20 is maintained in the subscriber's account.[694] In addition to this, 15 days grace period is to be given before complete disconnection, giving the user an opportunity for the user to save their number.[695] These provisions are an attempt at protecting consumer ownership of mobile numbers, which, over time, have been relying on mobile numbers becoming linked to identity and financial systems.

However, a crucial shortcoming of the TCPR framework is the silence on the issue of continuity of incoming services when the validity period of any prepaid plan expires. TRAI's consumer guidelines make it clear that only those services that don't impact the value of talk time, including incoming calls and SMS, must be accessible only to the end-user during the validity period of the plan, regardless of the end-user's balance.[696] This distinction is crucial. While it provides an object to the users from loss of access on lack of balance in account, it does not provide an extension for plan validity over the expiry date. Consequently, there is currently no violation of existing telecom regulations by stipulating that telecom operators may suspend incoming and outgoing services of the services without problems, as soon as there is any lapse in the validity of these services.

This regulatory position establishes a structure of imbalance between the consumer expectations and the operator practices. From a legal perspective, telecom companies are still compliant, such as sticking to the defined validity framework. However, from the point of view of consumer protection, it is the abrupt cessation of incoming services that causes serious concerns. Mobile numbers today serve as an important access point in banking in terms of authentication, in digital payments, as well as in accessing government services, and

[694] International Telecommunication Union. (2023). Global ICT Regulatory Outlook.
[695] Telecom Regulatory Authority of India. (2019). Telecom Consumer Protection Regulations (TCPR), Sixth Amendment.
[696] Telecom Regulatory Authority of India. (2020). Consumer Guidelines on Prepaid Services.

for emergency communication. Denying incoming connectivity effectively denies access to these necessary services, even though the user has kapha, make denounce all rights with no possession of the number.

The problem is further complicated by tariff schemes introduced by telephone companies, especially the "28-day recharge cycle", which is widely adopted. This differs from traditional billing systems that are based on calendar months, as users are forced to connect to a recharging station more frequently, leading to an extra cycle of recharging throughout the year.[697] While this practice is within the reach of the inflow pricing freedom enjoyed by the operator, this practice aggravates the risk of service disruption from missed delayed recharge. The regulatory framework does not have the standardisation of billing cycles, allowing the operators to create plans that may put revenue optimisation over consumer convenience.

Another important point of the legal framework is the role of the licensing condition issued by the Department of Telecommunications. The operators of telecommunication are obliged to adhere to the general principles of non-discrimination, transparency and quality of service. However, these conditions are very much principle-based and do not explicitly require operational continuation of incoming services in any case beyond the validity of the plans.[698] This lack of specific obligations further reinforces the discretionary power of operators whose responsibilities are determining the conditions of service.

From the constitutional and policy point of view, if we look at the current structure, we observe that there are also many questions regarding the classification of telecommunications services. With mobile connectivity becoming an integral aspect of financial inclusion strategies, as abounded by the Reserve Bank of India (RBI), for instance, and identity processes like Aadhaar, having access to basic telecom services increasingly resembles a public utility more so than a commercial access point. Despite this change, the regulatory protections haven't kept pace, leaving important aspects of service access open to the whims of the market.[699]

To put it, the legal framework that impacts the pre-paid telecom services in India can be categorised as creating a situation of being formally compliant but substantially inadequate. It offers explicit provisions regarding validity, deactivation and balance requirements, but offers nothing in terms of the wider implications of the discontinuity of service in a digitally reliant society. There is a regulatory gap in that no written provisions regarding incoming service continuity exist, which enforcement officials may then rely on. Practices permissible by law but potentially at variance with principles of fairness, accessibility and consumer welfare.

This analysis is a call to achieve a more nuanced approach to regulating this issue, one that acknowledges the changing role of mobile connectivity and sets certain requirements for ensuring the minimum standards for the continuation of essential services. Without such reform, the framework that is in place will continue to place emphasis on procedural compliance with the law, rather than substantive consumer protection.

Impact Analysis: Consumer, Economic, and Digital Implications

The suspension of incoming calls and SMS services after negative validity of prepaid plans, therefore, has multidimensional consequences that go far beyond the limitations in performing a contractual service. In the Indian context, where connectivity is a mobile miracle of modern humanity, entitlement to financial transactions, verifying identities, and

[697]Department of Telecommunications. (2022). Unified License Conditions. Government of India.

[698]Telecom Regulatory Authority of India. (2023). The Indian Telecom Services Performance Indicators

[699]Reserve Bank of India. (2023). Digital Payments in India: Trends and Statistics.

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communicating socially with people, such restrictions work as systemic barriers in preventing people from participating in both economic and civic life. The impact is felt especially keenly in a prepaid-dominated market where continuity of service is directly related to frequent user payments.

From a consumer welfare point of view, the best-known immediate consequence is interruption of the fundamental communication channels. Prepaid Users Prepaid users are especially from the economically weaker sections, who rely more often on low-cost or minimal recharge. When incoming services are turned off, these users are effectively cut off from important communication networks, such as family, employer, and service provider. This is not just an inconvenience but is structurally inadequate to investing all the way to those who are already on the fringes of the on-digital access zone.[700] Data from the Telecom Regulatory Authority of India shows that the maximum subscribers are prepaid, which confirms the scale at which the disruptions happen.

The economic cost that current tariff regimes impose leads to further worsening of this problem. The nature of the 28-day recharge cycle means there is an additional recharge requirement every year, adding to the effective cost of maintaining connectivity.[701] While the telecom operators don't question the justification of this model as a pricing strategy in a competitive market, it means that our users have to do more financial transactions more frequently to maintain uninterrupted services. For poor users, even-up to minor delay in recharging a top-up could result in their service suspension right away and effectively penalise money irregularity. Studies conducted by the World Bank on the affordability of digital bring to light that recurring micro-costs can add up to high barriers for continued access, especially for developing economies.[702]

The most important implications arise in the area of digital access and financial inclusion. Mobile number in India is intricately embedded in the structure of digital services as the main identification along with bank accounts, payment processors and authentication systems. As per the National Payments Corporation of India (NPCI), services such as UPI make extensive use of mobile-linked authentication processes, such as SMS-based authentication, using OTPs. When these incoming SMS services are blocked, users cannot authorise transactions, access accounts and pay for ways. This essentially locks them out of the digital economy, however temporarily, undermining larger policy goals related to financial inclusion.

Similarly, the linking of mobile numbers with identity systems, especially Aadhaar, has ensured mobile telephony access as a presupposition to accessing government services. Authentication processes of welfare schemes, subsidies and public services are often dependent on the OTP-based verification against registered mobile numbers. Research by the National Institute of Public Finance and Policy (NIPFP) highlights the fact that breaks in mobile connectivity can make a direct impact on the flow of welfare benefits of all kinds, especially in rural and underserved areas.[703] The inability to receive incoming communication is thus translated to administrative exclusion, delay or denial of access to necessary services.

The social and employment-related consequences of service suspension are also important. In informal labour markets, where communication can refer to phone calls and not formal means, if incoming calls are missed, it can lead to missing out on job opportunities. This is especially the case in the gig-based and daily wage jobs sectors, where the timing of

[700]Reserve Bank of India. (2023). Digital Payments in India: Trends and Statistics.
[701]GSMA. (2022). State of Mobile Internet Connectivity Report.
[702]Organisation for Economic Co-operation and Development. (2021). Consumer Policy and Telecommunications Services.
[703]Organisation for Economic Co-operation and Development. (2021). Consumer Policy and Telecommunications Services.

information is key to whether someone secures access to work. Furthermore, during emergencies, if you are unable to receive calls, you will find it difficult in order to stay safe in your own life and gain access to immediate help. Reports by the United Nations Development Programme (UNDP) emphasise that a good communication infrastructure is a key part of human security and the capacity to cope.[704]

Another dimension that should be considered is the behavioural and psychological impact on users. The uncertainty in service continuity is a permanent need for users to watch the value period and recharge times. This results in a type of digital precarity, where access to essential services is understood as unstable, conditional and. Academic studies into digital inclusion suggest that such instability can make users less confident in adopting technology, especially among those who may be first-generation users, as well as those with poor digital literacy.[705] The result is a paradox in which greater technological penetration is not necessarily turning into meaningful and secure access.

Despite the multiplicity of these impacts, current regulatory frameworks continue to be narrowly focused, where compliance with procedures and regulations is considered more important than actual outcomes, i.e. compliance rather than protection. International best practice, as has been found and recorded by the Organisation for Economic Cooperation and Development (OECD) stresses treaties on continuity of basic telecom services as part of the rights of consumers. However, India's way of regulating these practices in India has not yet extended these principles, leaving key aspects of accessibility of services to the discretion of operators.

In conclusion, the deactivation of incoming services after the expiry of the validity of prepaid is a major challenge in the crossroads of consumer protection, economic accessibility and the digital governance. Its cumulative impact, in regard to these aspects, can be seen to underline the insufficiency of current regulatory protections and also serves to underscore the need for a retaining approach to the provision of access to communication services, which should place great stress on unrestricted access to these essential services.

Comparative Analysis: India and The Practice of Telecom - from a Global Perspective

A comparative view of the telecom regulatory environments reveals that although suspension of incoming services following prepaid validity expiry is not specific to India, the measures of consumer protection and continuation of service are highly varied depending on the country. With the most complex possible international implications, India's strategy, required due to a market dominated by prepaid and flexible regulatory ecosystems, differs from models increasingly found in developed economies that are more consumer-focused. This section assesses these differences in order to find regulatory gaps and possible areas for reform.

In **India,** the regulatory framework, according to the Telecom Regulatory Authority of India, only allows telecom operators to suspend the services of incoming and outgoing calls once the validity period of a prepaid plan ends. While there are safeguards in place to avoid deactivation of mobile numbers when they enter a period of no usage immediately after a set period of time or grace period, there is no express requirement for having the outgoing services continue after the execution of the plan's validity. This sets up a system with a strong relationship between service continuity and frequent recharges, making it difficult for consumers to ensure uninterrupted access to a service.

In contrast, the **European Union (EU)** has more of a consumer-biased approach to regulation. Telecom policies in the EU focus on

[704]United Nations Development Programme. (2021). Digital Inclusion and Human Development Report.
[705]World Bank. (2022). Digital Development Overview: Affordability and Access.

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transparency, fairness, and reasonable contract terms, under larger guidelines on consumer protection. While there is no express legal requirement for indefinite incoming services, the prepaid plans of many EU countries have longer validity periods (often from six months to one year).[706] Additionally, operators usually excuse extended grace periods during which incoming services are held, although the prepaid credit has expired. This approach reflects a policy focus on the need to maintain a minimum level of communication access on the one hand and the need to balance the commercial interests of the community on the other hand.

The **United States** has an alternative model, which is slightly different in terms of being more a combination of regulatory oversight with market-based practices. Prepaid services provided by the big carriers have validity ranges varying from 90 days to a year, depending on the recharge amount. Incoming calls and messages are oftentimes permitted up until the number is complete deactivated, giving users a longer period of time to have a functional connection.[707] Although there is no explicit, federal-based mandate for the protection of incoming services, consumer protection takes place indirectly in the form of transparency requirements and competitive market dynamics. This leads to more flexible service conditions as compared to India where shorter validity cycles are resulting in higher chances of disruption.

Similarly, the **United Kingdom,** under the regulatory supervision of Ofcom, emphasises on the themes of fairness and proportionality in the telecom services. Operators are obligated to make sure that the terms of contracts, including service suspension and deactivation policies, are clear and reasonable. In real life, most of the UK telecom providers have prepaid plans with validity periods of up to 180 or more days, as well as grace periods where incoming connectivity is not lost.[708] This regulatory environment takes priority in ensuring that users stay and have continuity of access that minimizes the possibility of abrupt removal of access to their services.

In comparison, the regulatory patterns in **South Asian countries** such as Bangladesh and Pakistan are closer to India. These markets are also characterised by the high penetration of prepaid and competitive pricing strategies. Telecom operators in these areas tend to use shorter validity cycles, and they also may refuse incoming services after expiry, as is the case in India, for example.[709] However, the fact that regulatory discussions are still ongoing in these countries is indicative of a growing realisation that there is still a need for introducing more stringent consumer protection measures, especially considering the rising dependency on digital.

One of the major areas of divergence between India and the developed markets is the classification of telecommunications as an essential service. In many advanced economies, the need for regulating access to telecom is increasingly acknowledged as a foundational part of the digital infrastructure. Reports by the International Telecommunication Union (ITU) put in perspective that the continuity and access to basic communication services are important for achieving digital inclusion as well as socio-economic development.[710] Consequently, the policies of these regions lean toward longer validity periods or more consumer rights and mechanisms that ensure that a consumer will not lose connectivity suddenly.

Another important distinction is that of the role of **billing cycles and tariff structures**. While the 28-day recharge model adopted in India has been effective to boost the frequency of payments, most of the developed markets align

[706]European Commission. (2022). Telecom Consumer Protection Framework in the EU.
[707]United Nations Development Programme. (2021). Digital Inclusion and Human Development Report.
[708]European Commission. (2022). Telecom Consumer Protection in the EU.
[709]Bangladesh Telecommunication Regulatory Commission. (2021). Prepaid Service Guidelines.
[710]International Telecommunication Union. (2023). Global ICT Regulatory Outlook. ITU.

with calendar-based cycles for validity of prepaid payments or provide flexible recharge options which would not bring any additional financial burden.[711] This minimizes the risk of unintended servicing and improve the comfort of the user. The lack of such standardisation in India represents the trend of regulation in India which places market flexibility in front of consumer uniformity.

Despite these differences it is important to note that there is no jurisdiction that explicitly requires the indefinite continuation of incoming services without recharge. Instead, best practices in the world are about striking a balance between commercial viability and consumer protection through longer validity periods and transparency in policies and reasonable grace mechanisms. India's regulatory framework is legally on par, but seemingly less cognizant of these changing times.

In conclusion, the comparative analysis shows the point that India telecom regulations fail to achieve the level of continuity of essential communication services globally. While some of the problems are similar with some other markets dominated by prepaid, in developed economies due to service continuum the distribution of such economic issues are diminished. This raises the need for some kind of regulatory reform in India that would draw on global best practices, especially in increasing validity periods, standardising billing cycles, and protecting access to incoming communication as a basic service.

Critical Evaluation and Recommendations

The applicable regulatory framework for the telecom social services in India notably follows a legal compliance but legally weaker model for addressing fundamental realities of a digitally dependent society. While the Telecom Regulatory Authority of India has made some rules ensuring transparency, non-discriminatory practices and preventing arbitrary deactivation, the reality still seems to have no account of the functional significance of uninterrupted incoming communication. The outcome is a focus on regulatory structure that goes into showcasing procedural correctness as opposed to meaningful consumer protection.

One area to be addressed is the limited conception of the validity of service. Current regulations have made a sharp distinction between the duration of a prepaid plan's validity and the usability of services. Incoming calls and SMS are secure only for the validity window and then operators are free to suspend services without any violation of any rule.[712] This approach assumes telecom services to be social and contractual, which are not tools of Cook's absence and ignores the fact that telecom services have evolved into a vital infrastructure. In reality, the connectivity provided by mobile devices is now the basis of financial systems, identity verification and access to public services. The framework of regulation has not changed though to reflect this change and thus mismatches between policy design and practical dependency exist.

An additional structural flaw is that there are no minimum service continuity standards. As against essential utilities of the country like electricity or banking for which basic access is usually protected, telecom regulations in India do not ensure any minimum level of service after expiry of plan validity. This allows operators to practice that maximises the revenue while minimising the obligations to the users. The 28-day recharge cycle is a perfect example of this problem. That is, by forcing more frequent mandatory payments, one is more likely to have consideration for service interruption from minor delays or financial restraints.[713] This is not some accidental

[711]Consumer Unity & Trust Society (CUTS). (2021). Prepaid Mobile Tariff Structures and Consumer Impact.

[712]Organisation for Economic Co-operation and Development. (2021). Telecommunication
Pricing and Consumer Policy.

[713]Consumer Unity & Trust Society (CUTS). (2021). Prepaid Mobile Tariff Structures and Consumer Impact.

consequence but a predictable result of the modelling of prices.

The regulatory framework also shows the lack of integration with digital policy objectives. Institutions like the Reserve Bank of India(RBI) and National Payments Corporation of India (NPCI) have developed financial ecosystems that are dependent on mobile-based authentication to a great extent.[714]Similarly, mobile-enabled identity verification mechanisms are increasingly used by government service delivery. Despite this, the consequences of service disruption to these interconnected systems are not recognised by the telecoms regulations. This lack of coordination between sectors leads to a degree of policy fragmentation, where one area of regulation compromises the goal of another.

At the international level, India's approach seems archaic and far too lenient. As outlined in the international frameworks, regulators in developed markets are placing significant emphasis on continuity of access through extended validity and consumer-friendly grace mechanisms. While these systems do not do away with service restrictions, they do reduce the chances of sudden disconnection significantly.[715] Regulatory bias towards market flexibility and user instability One reason India has failed to have similar safeguards in its regulatory framework for the market.

To remedy these deficiencies a step of specific and well-intended reforms is needed.

First, there is the need for the regulators to enforce a minimum continuity period of incoming services on the expiry of prepaid validity. A defined time window, for instance, a time period between 90 to 180 days, for keeping incoming calls and texture messages would be the guarantee that people will not forget about getting access to the most important methods of communication. This measure, not to impose high operational costs on telecom operators, but to substantially improve consumer protection.

Second, there is the need to standardise the billing cycles by going along with the validity of prepaid plans every calendar month. The current 28 days cycle fails to be explained from the point of view of consumer welfare and creates unnecessary financial burden. A change out to 30-day or monthly validity periods would help to bring in greater levels of transparency, as well as lowering the production of charges, therefore minimising the risk of a service disruption.

Third, telecom operators should not only be required to introduce low-cost incoming-only plans. Such plans would be suitable for users who mainly need network connectivity to receive calls and messages, chiefly the economically vulnerable segments. This approach balances the importance of affordability with access and ensuring that the basic communication needs are met without having to impose mere unnecessary costs.

Fourth, regulatory authorities must create greater levels of coordination between telecom and digital-policy frameworks. In the light of the interconnectedness between mobile connectivity and banking, identity, and governance systems, telecom regulations should understand and explicitly take into account the consequences of service disruption to these sectors. This may imply collaborative policy designing taking place between TRAI, RBI, and other relevant institutions as well.

Finally, there is a need to reformulate telecom services as required digital infrastructure services. This conceptual shift would mean that regulators would need to shift away from a purely contractual approach and instead take a rights-based approach to service provision. International guidelines such as those provided by the International Telecommunication Union (ITU), emphasise on the importance of universal and reliable access to communication services as a basis for digital inclusion. It would ensure

[714]International Telecommunication Union. (2023). Global ICT Regulatory Outlook.
[715]International Telecommunication Union. (2023). Global ICT Regulatory Outlook.

that the regulatory environments are not obsolete in a dynamically changing technological landscape if domestic policies are aligned with these principles.

In the conclusion, the current regulatory model for prepaid telecom services prevailing over India is not adequate in countering the wider Panbands implications due to discontinuity in services. While it meets the requirements of the law, it doesn't protect the consumer in any meaningful way. The suggested reforms are aimed at bridging the gap and ensure the introduction of minimum service standards, affordability and align the policy on telecommunications with the realities of digital dependence. In the absence of such changes, the existing framework will continue to prioritise real estate of operator flexibility over consumer rights, and hence, the ameliorative efforts of India's broader digital inclusion efforts will continue to be limited by the bleeding.

Conclusion

The approach to prepaid telecom services in India speaks volumes about the difference in formal compliance with laws, as opposed to the real life of the digitally dependent society of India. While the framework provided by the Telecom Regulatory Authority of India has structured guidelines with respect to validity, deactivation and transparency of consumers, it does not provide a sufficient answer to the continuity of the essential services, such as incoming calls and SMS post expiry of plans. This gap holds enormous implications, with mobile connectivity being of central importance in financial systems, the verification of identity and the access to public services.

The result of the analysis shows that while the suspension of incoming services is legally permissible, it has disproportionate effects on economically vulnerable users. It hinders access to banking, digital payments, employment opportunities, and emergency communication and consequently perpetuates inequalities of access to digital technologies. The pervasiveness of short validity cycles leads to this unique problem, compounded by a high probability of service interruption and recurring financial crisis for consumers.

A comparative assessment brings forth the fact that India, although it is by no means alone in permitting such practices, somehow lags behind the more consumer-driven models of regulation that are visible in the developed markets. These jurisdictions, without requiring indefinite free services, are, however, providing a longer validity period, reasonable grace mechanisms, and greater continuity of access as a result. This follows a more general recognition of the importance of telecommunications as a core element of the digital infrastructure.

The results of this study highlight the need for such a change in the approach to regulations. Telecom services can no longer be treated as purely commercial services with contractual terms, but rather should be considered in the context of essential services for participation in modern economic and social systems. Minimum continuity standards and rationalisation of billing cycles, areas that require telecom policy to be aligned with digital governance policy, are all important steps in striking this balance.

Reforms need to be implemented, without which the current framework will fail to adequately serve the consumers, undermining the goals of India's overall digital inclusion agenda.

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