

## **Bharti Airtel Comments on TRAI Draft amendment to Telecom Consumers Complaint Redressal (Second Amendment) Regulations 2013**

### **Background:**

The existing two-tier Complaint Redressal Mechanism for telecom consumers in India was fallout of the Telecom Consumer Complaint Redressal Regulations, 2012 launched in January 2012. While reviewing the erstwhile structure by removing the middle layer of Nodal Officer in the three-tier complaint redressal structure with the rationale expressed by consumer organizations that this multi-layer redressal process creates unnecessary delays in resolution of complaints as these are not effective in satisfactory resolution of complaints as well as their non-participation in the decision making process, TRAI had introduced a two-tier structure of Call Centre and Appellate Authority for speedier resolution with participation of Consumer Advocacy Groups.

TRAI is now seeking views of stakeholders to again review the existing Regulation as the feedback obtained during various Consumer Outreach Programmes organized by TRAI showed that there is low level of awareness about the Appellate Authority as a result of which very few Appeals are being filed at Appellate Authority level and thus the need to increase awareness and accessibility through additional modes and channels is felt by TRAI.

We give below our comments on the proposed amendments:

- 1) **TRAI's Proposed Amendment:** "Provided also that the complaint center shall register appeal, if any, preferred by the consumer through consumer care number".

### **Comments:**

- a) We understand the requirement in the regulation is to ensure that customers should get an adequate education and understanding to file an appeal for redressal of their grievances with the organization which is already in place. For this purpose, the contact details of Appellate Authority and the procedure for filing an appeal are being published in Start-up kits, Company Brand Shops (Airtel Relationship Centers), Telecom Consumer Charter, Advertisement published in English and Vernacular language twice in a year, Airtel website and the bills sent to the customers on monthly basis.

All these modes of customer communication demonstrate that service providers are already giving due importance creating awareness and publicity about the two-tier Complaint Redressal Structure.

We also ensure that the complaint centers share the Appellate Authority details whenever customer expresses displeasure on the resolution provided by the Complaint Center.

- b) We believe that the provision of filing an appeal through the Complaint Center will be misused since most of the customers may directly approach the Appellate Authority bypassing the first level (Complaint Centre) which will defeat the very purpose of grievance redressal through a two-tier structure.

In this context, in the banking sector, there is a multi-level internal structure before the complaint from the dissatisfied consumer reaches the Principal Nodal Officer (senior officer of the designation of General Manager) at the Head Office of the bank. Even after this level of escalation if the customer's complaint is not satisfactorily resolved, he / she can approach the independent Office of the Banking Ombudsmen in different cities across the country. Similarly in insurance sector too, the Ombudsman is empowered to receive and consider complaints in respect of personal lines of insurance from any person who has any grievance against the insurance company.

- c) In the banking and insurance context, while filing complaints the Ombudsman may not consider for redressal due to the following reasons:
  - i. If one has not approached his bank / insurance company for redressal of his grievance first.
  - ii. If one has not made the complaint within one year from the date one has received the reply of the bank / insurance company or if no reply is received if it is more than one year and one month from the date of representation to the bank / insurance company.
  - iii. If the subject matter of the complaint is pending for disposal / has already been dealt with at any other forum like court of law, consumer court etc.
  - iv. Frivolous or vexatious (banking sector).
- d) It is therefore recommended that in the telecom consumer complaint redressal system, the two-tier model within the company be reintroduced factoring in the above rules for filing of complaints at first escalation level so as to provide adequate opportunity to the service provider to redress the complaints effectively in a time bound manner before any escalation to the Appellate Authority level.
- e) The primary objective is to provide quickest possible resolution to the customer which is the need of the hour - however if most of the complaints will become an appeal, the resolution time for the basic complaints will be very high, which may not be a customer friendly initiative as this will only lead to further dissatisfaction.
- f) Registration of Appeals at Consumer Care Number through an Agent could lead to misinterpretation of facts as the complaint may not get correctly captured in the absence

of a written complaint received through email / fax / post. If appeals are registered at Consumer Care Number, it may lead to further customer dissatisfaction as he / she will not get resolution of the Appeal as it may have been incorrectly registered – in such a scenario customer will feel frustrated and not have any further opportunity to escalate and get redressal of his complaint.

- g) It is seen in both the banking and insurance sectors that these complaints to the Ombudsman should be in writing so that customer is correctly representing his / her case and no important facts are missed out which will help in effective redressal of the complaint – the customer can freely voice his issues and concerns leading to his grievance.

**In view of above, it is not recommended that the complaint center shall register appeal, if any, preferred by the consumer through consumer care number – as such this has to be filed in writing only. We also recommend reviewing the existing two-tier structure to reintroduce an additional escalation level for customers before they prefer to file an Appeal.**

- 2) **TRAI's Proposed Amendment:** Every Service Provider shall earmark or allot sufficient telephone lines or connections to be called “Consumer Care number” and ensure that its complaint center is accessible to it’s consumers “**in person**” as well as through **voice call, SMS, e-mail and post.**

**Comments:**

- a) Our Consumer Care number has sufficient capacity in terms of accessibility (telephone lines as well manpower with multi-skillsets) and are geographically spread across different service areas. These maybe handling complaints outside the service area as well - hence accessibility in person is not feasible at the complaint center level. However, we have adequate number of Airtel Relationship Centers / Brand shops across the country, which provide easy accessibility to our customers within their reach and customer can approach these outlets personally to register their service related issues / concerns.
- b) On SMS, we already provide the service though self-help menu to the customers, in which most of the basic services are catered to. We believe that free text in SMS should not be allowed since that may lead to incorrect interpretation as there is a high probability that customer will not be able to express his complaint in the limited 160 characters available on single SMS which will add to dissatisfaction due to non-resolution.

For this reason, in the banking / insurance sector, consumers are expected to file complaints / appeals at the Office of Ombudsman (in telecom this may be equated with Appellate Authority) in writing through email / fax / post after going through the multi-layered process within the bank / insurance company at local / regional / head office level.

It would be seen from below table that in the banking sector, the complaints received and disposed off at the Office of Banking Ombudsman (OBO), as well as the next level of escalation (Appellate Authority) shows that only 0.5% disposed-off complaints turned into appeals which indicates that this structure is efficient and working well.

| <b>Profile of customer complaints handled by the OBOs</b>   |                |                |                |
|---|----------------|----------------|----------------|
| <b>Particulars</b>  | <b>2009-10</b> | <b>2010-11</b> | <b>2011-12</b> |
| Total No. of complaints handled by the OBOs during the year | 88,699         | 76,638         | 77,507         |
| Complaints disposed during the year                         | 83,335         | 72,020         | 72,885         |
| Total No. of Appeals handled during the year by the AA      | 429            | 167            | 351            |
| Appeals disposed of by the Appellate Authority              | 395            | 167            | 338            |

*Source: RBI's Banking Ombudsman Scheme 2006 (Annual Report 2011-12)*

We further suggest that telecom consumer complaint redressal structure should be multi-layered which can replicate the structure of banking and insurance sectors to some extent. To explain this further, we can have the Call Center register the complaints after which, if customer is not satisfied with the given resolution, this is escalated to the next level at Circle Office and final escalation to Appellate Authority having representation of the CAGs.

c) We already have the built-in mechanism to serve customers via e-mail, fax and post.

**In view of above submissions, we do not feel that there is any need for “in person” for filing of an appeal at Call Centre for telecom consumers. It is also recommended that the aggrieved customer give some basic information alongwith the grievance (why he / she continues to be dissatisfied with the resolution provided) in order to capture the necessary information required to process the appeal correctly.**

- 3) **TRAI's Proposed Amendment:** In sub-regulation 9, in clause (b) for the words “the broad categories of complaints and service request” words “appeals and the broad categories of complaints and service request” shall be substituted.

**Comments:**

Please refer to above submissions - we feel that there is no requirement to provide an option to file an appeal via consumer care number of the complaint center. **Thus, there is no requirement to change the provisions in the existing regulations.**

- 4) **TRAI's Proposed Amendment:** Communicate to the customer through an SMS or e-mail or Post the details of action taken on the complaint and the procedure for preferring the appeal to the appellate authority.

**Comments:**

- a) At the outset, we submit that we are compliant to the regulation for sending the details of action taken on the complaint through SMS. However, the limit of 160 characters in a message poses restriction and hence sending multiple messages to inform the procedure of preferring an appeal becomes cumbersome and confusing leading to annoying the customer.
- b) The objective is to ensure that customer will get the adequate education and understanding to file an appeal with the organization, which is adequately publicized through various modes. Further, we also ensure Complaint Center shares the Appellate Authority details whenever customer expresses displeasure on the resolution provided by the complaint center.

- 5) **TRAI's Proposed Amendment:** A consumer may prefer an appeal under sub-regulation (1) either directly to the appellate authority through email, facsimile or post or in person or through the consumer care number of the complaint center established by the service provider.

**Comments:**

Please refer to above submissions - we feel that there is no requirement to provide an option to file an appeal via consumer care number of the complaint center due to the geographical spread of our Complaint Centers which may not be in the same service area where the complaint is being raised making it difficult for him / her to reach in person. **Thus, there is no requirement to change the provisions in the existing regulations.**

- 6) **TRAI's Proposed Amendment:** On disposal of the appeal, the secretariat of the Appellate Authority shall intimate the decision, through SMS, email or post to the appellant and the service provider.

**Comments:**

We feel that this is required and we have already implemented the same.