

# Ashok Kumar

## Comments on Consultation Paper on "Complaints/Grievance Redressal in Telecom Sector"

1) The complaint redressal mechanism is inadequate and it is needed to strengthen it. In the existing system the first level complaint is handled entirely by the TSP while the second level i.e. At Appellate level, the complaint is handled by a committee called 'Advisory Committee' comprising of TSP person and the CA (Consumer Activist) representative. This two level system is not satisfactorily working because – In the first level complaint the TSP the decision making authority is the TSP itself and hence nearly every decision is naturally in favour of itself. There is very less likelihood of these decisions being reviewed by any Telecom Authority (TRAI or DoT) due to the sheer numbers. Naturally the decisions go unchecked. The second level mechanism is also not working satisfactorily because the new member called in to take decision i.e. CA member is devoid of the technical understanding of the complaint and probably is also devoid of the legal stand under the Telegraph act. Without a technical understanding, the CAG member is not able to demand and analyse the technical data which could form the support of the consumers' argument. As such the mechanism is a total failure which brings us to the 3<sup>rd</sup> level i.e. Consumer courts. Here too the failure rate is high because probability of taking a complaint /grievance to the consumer court is very less considering the rigid procedure. The procedure to be followed by the consumer is not commensurate with the amount under dispute in most cases. Also neither party (the TSP or consumer) is able to bring out the technicalities of the complaint before the Hon'ble consumer court so that the analysis and decision of the of the complaint will be most likely based on non-technical material placed before it. Hence the complaint redressal mechanism AT ALL THREE LEVELS is INADEQUATE.

(2)The present system should be augmented and improvised to have a involvement of a member with technical understanding of the Telecom networks, should have a involvement of member who would represent on behalf of the DoT which is the licensor for the TSP, under which TSP is supposed to discharge responsibilities of the service provider. The member should also be exposed to theTelegraphAct.

Further, the system should work with a proper administrative structure, with proper funding. As such the involvement of the PG unit offices of DoT seems highly suitable as it satisfies all these criteria. The PG unit has officers with technical background. PG units are existing on ALL-India basis.PG unit is part of DoT which is the licensor. PG units can provide the office and clerical setup to carry out the function.

(3)Yes, a different structure is needed which can include all the stakeholders.

(4)The structure proposed may be a three member committee comprising of The PG unit officer as ex-officio chairperson for the committee, TSP nominated officer and CA representative. The PG unit officer in the committee should also provide the office setup to handle the complaints. As the PG units are already existing (in a limited way) in 34 cities all over India, their setup can be gainfully utilised. No extra administrative cost will be incurred by the GoI. Only clerical staff can be augmented. PG officers may be made ex-officio chairpersons of the committee for all. It is to be noted that under section 7-B of The Indian Telegraph Act, DoT as a TELEGRAPH AUTHORITY can appoint an arbitrator to resolve

disputes related to Telecom services. Thus if need be The PG office/officer can itself function as arbitrator or also be given the power to appoint an arbitrator for cases which it can exercise on behalf of DoT under 7-B of Telegraph Act. The appeal against this committee/ arbitrator decision may may be made with Hon'ble HighCourt.

(5)Ombudsman is not needed in view of the structure proposed at 4 above.

(6)NA.

Regards  
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