

ISSUES FOR CONSULTATION AND REPLY OF BTUA

REVIEW OF MEASURES TO PROTECT INTEREST OF CONSUMERS IN TELECOM SECTOR

At the outset, we would like it to be made clear that our response to this Consultation Paper must be uploaded on the TRAI website in its original form without any editing. We have made observations that are both blunt and caustic, in response to several questions posed in this Paper. In the light of the authoritative approach of TRAI in the last 5 to 6 years, this Association has desisted from submitting responses to several important Consultation Papers in spite of having spent much valuable time, *ex gratis*, in the cause of telecom consumers (BTUA is now in its 25th year of service in the cause of telecom consumers).

Our intention was to keep silent but in the larger interests of telecom consumers and the promptings of several CAG colleagues, we have laboured over this reply, once again hoping that the larger cause will be served. Readers need to go through the untampered text if they have to appreciate why many questions, already addressed many times over in TRAI are being asked once again when the solutions could have been implemented years ago.

SO FOR WHATEVER IT IS WORTH, WE ARE SUBMITTING OUR VIEWS TO EACH QUESTION.

5.1. What should be the benchmark for the parameter —Provision of a landline Telephone after registration of demand? (Reference Para 2.11)

That it is in the interest of service providers of landlines to speed up installation of lines on customer demand is self evident, but it must not be forgotten that landlines continue to remain the “family phone”. For voice quality, as on date, landlines compare most favourably with mobiles. Landlines are also a preferred medium for broadband connections because laptops are not affordable and desktops (even as yet costly for the middle class) can be used by the larger family. In smaller towns, their importance for this use will continue and needs to be encouraged.

The wireless broadband is more expensive as of now. Whereas private players in landlines are as yet to make their footprints visible all through the country, it is the PSUs who are better connected in landlines overall, purely for historical reasons. In fact, it is necessary to peg the benchmark at a more efficient level of response i.e. 4 days to ensure a higher level of penetration

of computers / broadband in smaller cities and towns. Forcing compliance of better quality of service from the PSUs and other licensees for lower end consumers will continue the competition between landlines and mobiles and become a measure for the long term protection of consumers.

Landlines should not be written off for another reason. The effects of the use of mobiles on the health of consumers are issues that will be coming into sharper focus in the next decade as the use of wireless technologies permeate the market. The trend in favour of mobiles will change as the information on the dangers of radiation become common knowledge. It will become imperative to combine the use of landline and mobile communication systems to find the right balance in favour of urban planning, communication needs and health issues.

5.2. Do you agree that parameter —Provision of a landline Telephone after registration of demand may be removed from the list of parameters requiring mandatory compliance to the Authority? (Reference Para 2.11)

NO. We do not agree that the mandatory provision should be removed as has been explained in para 5.1 above.

5.3. Do you suggest any changes to the benchmark for the parameter for landline fault repair, including rent rebate for delay in rectification of fault? If so, please provide details. (Reference Para 2.16)

A culture of efficiency is badly needed in this country to punish poor performance and encourage excellence. In a country as slothful and lethargic as ours, the Regulator needs to understand that a pro-active approach in favour of consumers is necessary for ensuring better standards of performance in society as a whole and for that, benchmarks have to be tightened rather than loosened. These tightening screws will, in the long run, engineer the change that will achieve the great power status for which we continue to dream.

Therefore more than 95% faults by next working day and 100% within 2 days in urban areas; 100% within 4 days in rural areas and 100% within 5 days in hilly areas.

5.4. What framework do you suggest to ensure payment/adjustment of rebate for prolonged landline phone fault as per QoS regulations? (Reference Para 2.16)

For rent rebate:

More than 2 days and less than 7 days: Rebate of 15 days.

More than 7 days and less than 15 days: Rebate of 30 days.

More than 15 days : Rebate of 45 days.

5.5. How do you propose to ensure its effectiveness? (Reference Para 2.16)

Ever since the days of Bombay Telephones (1985) when this Association was established, the BTUA has been demanding that following a fault repair, **the satisfaction report of the consumer be made mandatory.** This is the only way in which service providers will be made to respect their income providers and not just the lip service to the oft repeated quotation of Gandhi – that the customer is the reason for the service provider's existence. **(Please refer to the photograph of Mahatma Gandhi and his oft repeated and displayed quotation on consumers – used for symbolism and a mask for the do-nothing approach of TRAI towards consumers.)**

5.6. Do you propose any changes to the existing provisions relating to shift of a landline telephone connection? (Reference Para 2.18)

NO. But penalties must be provided for non-performance. Landlines continue to be preferred for family use, for quality of voice and for broadband. Most people prefer to retain their numbers as there is advantage in that continuity. If the shift is within the same exchange area, retention of the number and quick shift would be welcome for the consumer. If the shift is outside of the exchange area, there is no reason why Number Portability for landlines should also not be also made applicable.

5.7. Do you suggest any change in existing provisions to ensure timely termination of service/closure? If so, please provide details. (Reference Para 2.22)

We do not suggest any change in the number of days (7) laid down for closure / termination of service for whatever the form of request. Recovery of CPE, attempts to retain customer and settlement of dues – all - must be cleared within this period. All computerized systems of monthly billing that cause delays in closure should be overridden by manual interventions by specified responsible officials of the service provider to close the accounts within these 7 days.

Closure requests should only be by writing (in which case acknowledgement should be given on copy of letter or proof of Registered / Speed Post A.D. card) or by e mail addressed to the specified official at the Exchange or Customer Care Gallery (also acknowledged by e mail on same or latest, next working day).

Faxes, sms and telephone calls should not be permitted as many disputes of delays in closure arise on account of these modes of communication where responsibility of receipt of notice can be avoided.

Rentals should cease from 7th day onwards.

5.8. Do you agree with the suggestions for seeking explicit consent of the customer, in writing or SMS or e-mail or FAX, to continue with the service, once a request has been made for termination of service? (Reference Para 2.22)

YES. Once a request is made for closure and again changed to continue the service, explicit consent in writing or e mail should be a must. Other forms of communication, as in 5.7 should be excluded.

5.9. Do you agree with the time period of four weeks provided for resolution of billing/ charging complaints? If not, please suggest alternatives. (Reference Para 2.25)

In the days of computerization, gathering data for charges or payments received from a customer are accessible at a moments notice. Assuming that there are clarifications to be obtained from banks where ECS issues arise, they can be obtained and verified within 7 days. In cases where call charges (for postpaid billing) are challenged by the subscriber, the systems recording the calls are entirely under the control of the service provider and almost as a rule, SPs deny errors. Resolutions to the satisfaction of the consumer may not result in this period but delays in communicating the final position of the SP continue to keep the customer in suspense. Challenge of billing through other legal forums must be allowed to continue whilst applying a guillotine to the period of resolutions.

We may add that this entire question has become hostage to the repeated delays in the implementation of mobile number portability (MNP) and keeping the landlines out of the ambit of this weapon for increasing competition and consequently consumer protection. It has also become hostage to the total confusion about what legal forums are currently available to consumers as a result of the perverse interpretations given to the recent Supreme Court decision that has thrown the maintainability of telecom cases out of consumer forums.

Having said that, we would like to observe that the performance formula suggested in the CP in no way recognizes the real issues that arise out of the bulk of billing complaints and exposes the true nature of this consultation paper. The Office of the Regulator is going through the motions

of consultation with stakeholders, merely to maintain the façade that the laborious exercise of preparing this paper will bolster their claims that they have taken steps to protect consumer interests.

From an analysis of complaints that TRAI itself receives, it will be clear that complaints of billing are concentrated in the segment of prepaid customers who constitute nearly 95% of mobile connections. Their complaints arise, *inter alia*, because of multiplicity of plans, confusing and misleading advertisements, charging for value-added services deliberately activated for consumers, roaming questions, repeated call drops and consequent reduction of balances, failure to provide detailed call records in spite of repeated demands, overcharging on broadband account for a number of different types of technical failures etc. etc. None of these are reflected in the formula laid down which is definitely opaque in the manner it is worded.

In our response to the pre-consultation paper on the subject of consumer grievances, we had clearly stated that the solutions to most billing problems lay elsewhere within the jurisdiction of TRAI. The accumulating grievances happen to be the outcome of tariff issues largely rather than procedural issues of consumer grievances. We therefore called for first addressing them by revisiting issues arising out of forbearance in tariff and other rules that have been devised to SUIT THE CONVENIENCE OF SPS -not consumers- e.g manner of giving explicit consent for VAS.

Our views on this pre-consultation paper, (which itself was an aberration of the process so far followed by TRAI) led us to believe that TRAI might be open to taking a holistic view of the entire gamut of grievances as such. The fact that our views on the pre-consultation paper were not put up on the website increased our doubts about the true intentions behind that aberration and are now fully confirmed that the collusion of TRAI with Service Providers is complete and faking of the concern for consumers will be a continuing drama.

THE ENTIRE ISSUES OF THE CONSUMER GRIEVANCE REDRESS SYSTEM CONSULTATION PAPER SHOULD HAVE FOLLOWED AND NOT PRECEDED THE CONSULTATION PAPER ON TARIFF ISSUES.

5.10. Do you agree with present provisions regarding period of one week for applying credit/waiver/adjustment to customer's account upon resolution of billing complaint?(Reference Para 2.28.

NO. It can be done immediately and has been done frequently in many cases. The problem in these days of remote management, there are back office and front office issues. Responsible officers of a customer friendly organization like MTNL do not shy away from meeting customers face to face or take responsibility for decisions, overriding computerized processes to confirm action taken. They even do not hesitate to hold Open Houses to discuss issues with customers frankly. Those who delay resolutions as long as possible are also those service providers who take the refuge of a centralized decision making system and do not provide easy access (except by way of e mail) to their Nodal Officers / Appellate Authorities. These are the same SPs who seek to inflate their ARPUs through every conceivable means to retain income cultivated through cheating and additionally earn interest from these same illegal earnings.

5.11. What should be the time period and terms and conditions for refund of deposits after closure/termination of service? (Reference Para 2.32)

TRAI has always accepted the facile explanations of service providers that their systems do not allow for quick access to accounts for settlement and closure on an early basis. The IT system has been devised by humans and can be changed to suit the parameters laid down by any management. The system records all charges on line. The data is accessible on line. Roaming partners can access their part of data as readily as the home service provider. It is the willingness to do the settlement at the earliest that is the issue – not the ability of the system to accept manual interventions.

Therefore, refund of deposits should not be beyond 15 days.

5.12. What steps do you suggest for timely refund of deposits after closure/ termination of service? (Reference Para 2.32)

Any delays should invite the imposition of a deterrent rate of interest of 24 percent every month or part thereof. All play acting of SPs will cease immediately in that scenario.

5.13. Do you suggest any changes to the present benchmark of 15 days for the parameter —Service provisioning/ Activation Time□? (Reference Para 2.34)

To improve the standards of efficiency in the industry, it is advisable to reduce provisioning / activation period to 10 days.

5.14. How the present provisions can be effectively implemented? (Reference Para 2.34)

The penalty for delay should be increased to Rs. 15 /- per day without any upper limit. If the CPE is of the customer, then the installation report should record when the customer has handed over the equipment. All facts – the date of the application, the date of inspection of site, the date of receiving modems if supplied by the customer, the no readiness of the customer if such is the case, the activation date and the satisfaction report – all should bear the signatures of the installation mechanic and the customer so that there can be no challenge or confusion about levying the applicable penalty.

5.15. Do you suggest any changes to present benchmark for the parameter —Fault Repair/ Restoration Time□ and provision for rebates? (Reference Para 2.36)

The fault repair of broadband does not merely concern dead lines. There are other issues including earthing (which results in erratic performance of repeated trips), lack of promised speed and lack of suitable strength in signals in the case of wireless modems.

For dead lines, because of faulty cable maintenance and consequently no access to internet connection, the regulations must enhance performance levels to 95% by next working day and 100% within 3 working days.

For rent rebate:

More than 1 days and less than 7 days: Rebate of 15 days or equivalent usage allowance depending on the customers wishes.

More than 7 days and less than 15 days: Rebate of 30 days or equivalent usage allowance depending on the customers wishes.

More than 15 days : Rebate of 45 days or equivalent usage allowance depending on the customers wishes.

5.16. Do you propose any change in the existing system of selection of tariff plans for the audit of metering and billing system of service providers to make whole exercise more effective? (Reference Para 2.40)

We have the following observations to make:

This Association does not have any confidence in the conclusions of the various audits conducted. We question the integrity of the process laid down by TRAI. No wonder then we have the laughable claim of TRAI, to quote only one instance, where the SP itself, admits to a

performance below level set by TRAI, compared with TRAI figure of 100% target achievement for the same SP, for the same indicator and for the same period.

Firstly any audit of this nature where the service provider pays for the cost of audit directly to the auditor has doubtful credibility. If the charges fixed have standard rates, it is one scenario, but if the SP negotiates the same with the auditors in each case, it has more damaging connotations.

Secondly, all are aware of the plethora of plans that each SP peddles. The determining factor in the credibility of the final results would rest upon the plans selected and the sample sizes in each plan within the licensed service area. From the number of complaints received by the Association from consumers not receiving any redress at Customer Care Centres or even being able to access responsible officials of most SPs, personally or on phone, it is evident, prima facie, that the compliance levels are manipulated.

The manipulation in all this extrapolation becomes evident only when issues for discussion are made transparent. For instance, the specifics of what plans are taken and what is not has been mentioned in para 2.39. If only plans launched during the year are taken for sampling, it is crystal clear that the experience in that plan for the customer cannot be of such a time duration that would allow a definite opinion on the plan / service offered or on disputes that could have crystallised in that period. The manner in which questionnaires can be slanted to give a desired trend also play a vital part in the results. And when the bulk of customers in the older plans are excluded from the annual audit, the hoax being played upon the consumers is grotesque. For TRAI to leave all this evaluation to same agency which is pay rolled by the SPs is not being just naïve but also dishonest.

5.17. What method of alert do you prefer for premium service calls (Call rates higher than normal local call charges rates) before such calls are put through? (Reference Para 2.42)

All premium rate services must be with explicit consent of the subscriber. In spite of repeated requests to TRAI that explicit consent must be only in the written form, TRAI continues to allow electronic methods of confirmations. There is a clear nexus between TRAI and Service Providers. This nexus does not necessarily mean overt or covert corruption. It could also rest on the grand assumption by TRAI that one of the objects of the TRAI Act is to encourage the growth of the telecom industry and consumer protection is only second to that. This assumption

has justified the belief within TRAI that somehow, the people of this country have entrusted them the task of being the drivers of growth, not just for telecom industry but in fact, to be the primary drivers of the GDP of the Indian economy.

As a consequence of which TRAI looks upon the entire premium service industry, value added services and marketing promotion industry that use SMS as TRAI wards for whose welfare and financial growth they have a prime responsibility. It is for these reasons that TRAI has lost its credibility with a number of CAGs who having given examples of the manipulation of software systems by SPs, find that TRAI will do nothing to come down heavily on the cheating SPs.

In addition to allowing SPs to generate premium calls only with written consent, for those who have opted for such services, alerts of at least 3 flashes should be given on the screen, immediately on their attempting to use the service, that the charge for the call is higher than normal, and additionally, specifying the rate for that service.

5.18. What information in your view should be provided to prepaid subscribers immediately on completion of every call to facilitate him understand his usages and verify correctness of the deductions? (Reference Para 2.44)

We completely endorse your points in para 2.43 that there is a mandatory need for providing complete information, across the board, about the charges for each call and sms, call duration, balance amount, etc. Immediately after every call such information should be displayed for sufficient time for the customer to read and understand the information. The font size should be large and clear. There should also be facility for obtaining this information by sending SMS on toll free numbers from every part of the country which should be retainable in the phone instrument system of the subscriber.

5.19. What information do you feel is necessary after recharging a prepaid connection to ensure complete value for money immediately after recharging/top up? (Reference Para 2.46)

A full bill for every payment / top up made should be given to customer if insisted upon. Electronic confirmations by sms should be a must and retainable in customer phone. And finally, whenever, customer desires to check his usage (itemized charges), a printout must be made available to customer within 15 days of his request, by e mail or post. This data must include Opening Balance as on the date specified by the customer, the numbers called or sms-ed, their duration, start time to end time, the charge rate (including roaming and premium charges),

the total deductions per transaction, other deductions made if any, the top ups and other payments received by the SP, with the closing balance.

Misleading advertisements on talk time are sent by SPs. TRAI should allow launches of plans only with prior approvals. TRAI must disallow all forms of claimed promotional values for top ups. All top ups must be at the lowest rate otherwise opted for by customer. If for instance, a customer has opted for a pay per sec at 1 paisa per sec or ½ paisa per sec, then all top ups for that customer must be allowed only at that rate. The call charge rate under the plan / top up must be indicated with the offer in the sms and advertisements.

5.20. In your opinion, what should be done to increase the awareness about the call centre? (Reference Para 3.46)

Before providing our response to this question, we would like to dispute the observations in para 3.27 on the present status with respect to Regulation 19 of the TCPRGR, 2007. The compliance is indicated to be reasonable. We cannot agree with this as we know that some are so but a number of other SPs ride the high horse and do not comply, let alone keeping CAGs in the loop for the resolutions of the complaints. As regards Manuals, TRAI appears to be in a hurry to pat its own back. Our field investigation shows compliance of Regulation 20 to be extremely poor whether for new connections or otherwise. As for Regulation 21, non-compliance is the rule rather than exception. And finally, regarding para 3.38 and survey of QOS by TRAI, the less said the better.

5.21. How can we enhance accessibility of call centres for booking the complaints? (Reference Para 3.53)

Service Providers are sold on the virtues of remote electronic systems because it shields them from all unwanted queries, retains disputed amounts in their coffers since resolution of issues are delayed - if not blocked; and most of all, with the mantra of IT, allows them to debit unjustified charges to customers e.g. VAS charges. TRAI's allowing this to replace all personal approaches for resolution of grievances including the written complaints is difficult to understand. This inanimate, faceless and centralized system is primarily at the root of the intense dissatisfaction of consumers.

The only organizations that are currently customer friendly are MTNL and some centres of BSNL, especially those that are located in metros with strong consumer voices. The incumbent has the historical advantage of being located at accessible points all over the metros. Their officers - not just Nodal Officers or Appellate Authorities - but large numbers of them stationed in the Exchanges are personally approachable. This solves 50% of the problem, including long trailing mails. The same cannot be said for any of the other service providers.

Most mobile operators operate through licensees who are not only ignorant of the rules and regulations but untrained in quality of service norms. Those galleries that are manned by company staff are subject to high employee turnover, poor training and ultimately restricted to the information on the screens, not empowered in any manner to actually work out a solution. Unless this process is decentralized to the maximum extent possible, the problem cannot be licked. In this process, it would also help SPs if they were to involve CAGs in the best manner possible, to seek resolutions of grievances and the processes they adopt for it. The SPs could be encouraged to work out systemic solutions jointly with CAGs.

Over the next 5 year period, every SP should be advised to open company operated galleries or franchises in phases, one at least in every 3 / 4 kilometre radius, perhaps proportionate to the strength of their customer base in that area. These centres should function with international service standards and be held responsible for deviations from laid down grievance redressal processes.

Specifically, to increase access, response time for successful connections to call centres should be increased to 99% (3.47). Percentage of calls answered by operators within 60 seconds should be benchmarked at 98%.

5.22. What are your suggestions about the location of the menu option for talking to a customer care agent/executive in the Interactive Voice Response (IVR) system of the Call Centre/ customer care number, for facilitating easy access to the call centre agent/executive? Should it be the first sub-menu at the third layer, the first layer being the choice of language and the second layer being service menu? (Reference Para 3.53)

Complaints redressal executive contact should be the first option in the second layer as a part of the menu.

5.23. Should TRAI mandate all service providers to provide complaint booking number accessible from other telecom networks also for complaint booking in case of service disruption? Should such call centre numbers also be toll free? (Reference Para 3.53)

YES to both questions.

5.24. Do you agree that docket numbers should also be sent to subscribers' through SMS who is booking complaint? (Reference Para 3.56)

YES. Should be sent by any means employed by customer to send complaint – whether phone, fax, sms, e mail or letter.

5.25. Will sending of docket number of complaints to subscribers through SMS help them to pursue their complaints and increase effectiveness of consumer grievance redressal system? (Reference Para 3.56)

Without doubt.

5.26. Do you feel that unique format for docket numbers across the service providers will increase monitoring and speedy redressal of subscriber complaints? (Reference Para 3.56)

YES. The suggested format in para 3.55 appears suitable.

5.27. Do you agree that customers need to be informed about redressal of their complaints before closure of the docket? If so, will it be desirable to inform the subscriber about status of the complaints through SMS before closure of the docket number? (Reference Para 3.61)

Satisfaction report of customer, in whatever manner, must be made mandatory before closure of docket numbers. The information on closure must be intimated only after that. There are repeated instances of SPs showing closure when the customer has not even been contacted for redress, merely to satisfy TRAI norms and any audit thereon.

5.28. What parameters should be considered to determine the effectiveness of complaint redressal at call centre level? How could effectiveness of complaint redressal at call centre level be measured? (Reference Para 3.66)

This Association has said this before and takes the trouble to repeat again that the only truthful reflection of this will be through the satisfaction report of the customer. If TRAI is aware that there is no customer satisfaction as admitted in para 3.64, then TRAI has to be firm in addressing this issue and insist on the CSR (Customer Satisfaction Report).

5.29. In your views, will it be feasible to indicate tentative time frame for redressal of consumer grievance? Will it increase subscriber satisfaction level? (Reference Para 3.69)

Time limit for redressal at each step of escalation, including the start at the Call Centre, should be specifically indicated. These should be also prominently shown at relevant points of the SP website. We receive complaints not only marked out to all possible offices, including the Nodal Officers, Appellate Authorities of the concerned SP but also to TRAI email IDs and CAGs throughout the country etc. The only way to reduce this is to have all SPs put up a complaint form on their website for electronic entry. The forms to the Nodal Officers and Appellate Authorities must be designed to admit filling up only if (i) the Docket No. and date of complaint to the lower level are entered or (ii) the date for resolution has passed or (iii) the resolution unsatisfactory to the customer. The satisfaction report can also be a part of the website process.

5.30. What are your suggestions for using complaints received at call centre for improvement in QoS and processes adopted by a service provider? Do you perceive any need for TRAI to oversee such analysis and monitor corrective actions? (Reference Para 3.74)

As member of the CORE group in TRAI we had proposed a system (2004-05) for TRAI, along with CAGs, to audit and monitor performance by SPs of various QOS standards laid down by TRAI. Telecom issues are on-line issues. They need immediate data in the nature of evidence and process analysis within a contemporary period. Review and evaluation of the QOS standards and their operation with surveys, mostly unscientific, once in 4/5 years, is an academic exercise that may excite the imagination of the Authority but brings no relief for the suffering consumer. It is paying lip service to the cause because honest implementation on the part of SPs has largely been lacking. The regulatory authority also has been guilty of tokenism. It will be "*daer hai but durust hai*" if finally TRAI acknowledges the need to oversee such analysis and monitor corrective action.

5.31. In your opinion, what should be done to create awareness about the Nodal Officer? (Reference Para 3.77)

TRAI can start with forcing Nodal Officers to lift the phones. Across the board the SPs have blocked these lines. They must be penalized for that. All pretence of the achievement of QOS standards by SPs and TRAI survey reports will be blown to shreds once the Nodal officer is forced to take complaint calls.

Every franchisee, every gallery and every advertisement of any SP, in the print or electronic media must carry the Nodal Officer's message – something like the cautionary that every cigarette and Mutual Fund advertisement is made to carry.

Other steps suggested in para 3.76 may also be added.

5.32. What should be the maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference? (Reference Para 3.80)

24 hours.

5.33. Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance? Will it boost the confidence of the subscriber? (Reference Para 3.80)

YES.

5.34. Will it be feasible to communicate the tentative time for redressal of the grievances and ensure redressal within prescribed timeframe? (Reference Para 3.80)

TRAI can only cap the time but not leave it to the Nodal Officers. Only penalties of a substantially deterrent nature will inculcate a self discipline in the entire SP Customer Service Departments. But then that is expecting too much from TRAI used as it is to mollycoddle SPs.

5.35. What framework do you propose for timely disposal of consumer grievances and feedback on status of grievance redressal before disposal? (Reference Para 3.82)

Feedback is of little consequence. Satisfaction reports are the best solution and feedback. Penalties must be levied for falling below laid down norms.

5.36. In your opinion, what should be done to improve the accessibility of nodal officers? (Reference Para 3.87)

Compel them to answer phones. Every SP must have a Nodal Officer in every metro within every 4 kilometer radius and must be personally accessible to customer if he desires so.

5.37. How would effectiveness of Nodal Officer be monitored? (Reference Para 3.87)

Obtain the list of every customer who has approached the Customer Care of the SP every month and survey them on phone and by e mail where available. The survey should be specifically directed for asking satisfaction of redressal. From those of these who have escalated the issue, a similar survey will answer whether the Nodal Officer has been effective or not.

5.38. What should be the parameters and framework to judge the effectiveness of the nodal officers? (Reference Para 3.87)

The percentage that have escalated to the next level; the remedial measures proposed by the Nodal Officer to his superiors in the operating processes for customer service delivery in his own company; the opinion survey of the customers he has dealt with for grievance redressal in the period which should be every quarter at the least.

5.39. In your opinion, what should be the time frame for redressal of grievances by the Nodal Officer? (Reference Para 3.89)

Within 24 hours in the maximum.

5.40. What should be done to ensure redressal of consumer grievances within prescribed timeframe?(Reference Para 3.89)

We repeat, satisfaction reports of customer are the only 100% way of ensuring compliance with prescribed penalties. It is penalties that will force the entire customer service delivery into action and also make top managements of SPs aware of the issues and force corrective action.

5.41. What framework do you perceive for regular analysis of consumer grievances at Nodal officer level to identify systemic failures and to initiate necessary actions? Do you perceive the need to mandate such provisions?(Reference Para 3.91)

Yes, analysis is required for initiating corrective action. We would request you to return to our answers given in Q.5.30. These questions were addressed by the CORE Group of TRAI in the years 2002 to 2005 and all suggestions are on record. The entire functioning of the CORE group was at the initiative of the then Chairperson, Shri M.S. Verma who had a wider vision and was at ease with institutionalising the contribution of civil society in regulatory processes.

Ever since TRAI has come to be dominated by appointees from officialdom, the philosophy has changed and the view that civil service (read egos of bureaucrats) know all that has to be known has ruled the responses of the Authority.

It is pathetic that these questions are being raised all over after 6 wasted years of the Regulator's history.

YES, it is needed to mandate these provisions as was envisaged by the CORE Group. See the presentation made to TRAI in May 2005 by the undersigned on behalf of CORE Group.

5.42. What are your views regarding charging of nodal officer Number especially in view of the fact that nodal officer is part of consumer grievance redressal mechanism? Elaborate your response. (Reference Para 3.94)

It is preposterous to suggest that numbers of Nodal Officers be charged to customers. This is adding insult to injury. If this is indeed made applicable by TRAI, this Association gives notice that it will certainly become the subject of litigation against TRAI. It is not a threat but a promise.

At the outset, we totally disagree with the statement in 3.92 that telephone calls to Nodal Officers are kept on hold. As usual TRAI is in a hurry to make excuses for SPs. From the complaints we receive and the spot attempts we have ourselves made to check on this issue, show that Nodal Officers of older Service Providers **DO NOT LIFT THEIR PHONES EVER.**

Having said that, we would draw attention to our suggestion in Q. 5.29 on forms for complaint filling. Whereas that should take care of escalation of e mail complaints, the matter of telephone complaints to the Nodal Officer require an improvisation of the same suggestion. To prevent the Nodal Officer from being overwhelmed with complaints as the office of the first resolution, steps can be taken to prevent it. If the customer is unable to or does not provide reference of the Docket Number given by the Customer Care from which the status of the complaint / resolution can be examined on line, he should be advised to first complain to them as per the established process. To charge for the calls to Nodal Officer merely because the customer is unaware of the process is compounding the error. Such a situation faced by the Nodal Officer of a SP, in fact, shows that the SP has failed in creating awareness among his customers regarding the processes of grievance redressal system and how it works.

To create this awareness, a short pamphlet giving this information in bullet points, must be handed over to every customer, old or new, who comes into a gallery for a new connection or wants to recharge or for whatever service he has approached the SP. In addition, information can be sent by sms specially designed to catch the immediate attention of the subscriber or by e mail as is on the SPs records.

5.43. What should be done to enhance awareness about Appellate Authority to ensure effective redressal of consumer grievances? (Reference Para 3.97)

In a scenario where 95% of customers are pre-paid, the real issues of creating awareness by means of printing on bills the numbers of Nodal Officers and Appellate Authorities is begging

the question. Whereas that must be done, the other avenues of creating awareness are more important. The answers given in Q. 5.42 above apply here as well.

5.44. What framework do you suggest for filing of the appeal to Appellate Authority for redressal of consumer grievances by subscribers? How can it be made easy and user friendly? (Reference Para 3.99)

We agree that a user friendly form and easy access to that form are needed. The Core Group was meant to go into these issues after examining the operating procedures of each SP. Except to submit the same generalized observations made above with respect to the Call Centres and Nodal Officers on the specifics of this question, this Association would prefer to work within an on-line, on-going institutionalized process that gives results rather than respond to Consultation Papers generated once in a decade for cosmetic purposes.

5.45. In your view, what should be the time frame for acknowledgement of the appeal by Appellate Authority? (Reference Para 3.103)

2 days at most.

5.46. Would it be feasible and desirable to convey the tentative time for disposal of the appeal by Appellate Authority to improve subscriber confidence? (Reference Para 3.103)

YES.

5.47. How feedback at the time of disposal of appeal can be made more transparent, self speaking and impartial? Is there a need to institutionalise feedback mechanism at appellate authority level of service provider to improve effectiveness of the processes? (Reference Para 3.105)

Besides reporting to the Authority, please refer to our comments on Q. 5.30 and 5.41.

5.48. What should be the framework to improve the effectiveness and acceptability of the Appellate authority as an independent and impartial body? Provide details of the proposed framework. (Reference Para 3.107)

It cannot happen when the Appellate Authority belongs to the organization of the SP. The institution must appear to be impartial in addition to being so. In fact, this third tier is redundant and wastes time. The final answer from the SP must cease with the appeal to the Nodal Officer. From this point, either the institution of an Ombudsman-In-Council should become the Appellate Authority or it should directly enter the established legal process. **(That there is no effective legal process functioning at this moment in time is an altogether different question.)**

5.49. In your opinion, what should be the maximum time period for deciding an appeal by the Appellate Authority? (Reference Para 3.109)

We are arguing for a removal of this ineffective third tier that only delays the resolution process. If an Ombudsman-In-Council were to take over, the period should not be more than 90 days in the maximum, including acknowledgement, processing, evidence gathering, arguments and order.

5.50. What should be the time limit within which the information about itemized usage charges should be provided on request from a pre-paid customer? (Reference Para 3.112)

15 days at most.

5.51. Can you suggest further measures to effectively control provision of value added services without explicit consent of the subscriber? Kindly provide details of proposed framework. (Reference Para 4.7)

We have detailed this issue elsewhere. To repeat, VAS should only be allowed with explicit consent in writing from the customer. Otherwise, the menace of pure cheating will continue and TRAI's credentials for consumer protection will be gravely in doubt.

5.52. In your opinion, what more should be done to increase effectiveness of consumer education? (Reference Para 4.9)

If TRAI is serious about the answers to this question, let it start by setting up an honest, institutionalised system with CAGs for consultation on substantive issues of concern for consumer protection. When CAG member after CAG member has sought to resign from the CUTCEF (set up for this same education and awareness of consumers) on substantive issues because TRAI would like to throw its authority around, giving any response to this question is a total waste of time.

5.53. How effectiveness of web based Consumer grievance redressal mechanism can be increased? (Reference Para 4.12)

All these questions have been answered by this Association time and again in our many exchanges with TRAI. This Association has even put forward a proposal for the web based redressal mechanism but there have been no reactions from TRAI. In our view, unless TRAI allows itself the opportunity of closer interaction with those in the CAGs who have knowledge

and experience of the system, the issues and solutions, it is not worth our while spending all our voluntary efforts for massaging the egos of those who would ultimately do what they want to.