

CERC's comments on TRAI Consultation Paper on Complaints/ Grievance Redressal in the Telecom Sector - cacommentstrai@gmail.com

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enr E&R <enr@cercindia.org>

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Mr. Sanjeet Singh
Advisor (Consumer Affairs)
T
elecom Regulatory Authority of India (TRAI)
Mahanagar Doorsanchar Bhawan
Jawahar Lal Nehru Marg
New Delhi-110002
Email:

cacommentstrai@gmail.com

Dear Mr. Sanjeet Singh

Greetings from Consumer Education and Research Centre (CERC), Ahmedabad

Consumer Education and Research Centre (CERC) is a non-political, non-profit and non-government organisation dedicated to the promotion and protection of consumer interests through effective use of education, research, media and law since 38 years.

Based on a consultation paper on Complaints/ Grievance Redressal in the Telecom Sector date 28 July 2016, Telecom Regulatory Authority of India has invited public comments and suggestions for modification in

the existing redressal mechanisms along with views on the need of a telecom ombudsman.

We would like to give the following suggestions for the grievance mechanism to make it more meaningful and consumer friendly.

CERC's Item-wise Comments

Q1: Is the complaint redressal mechanism, as presently existing, adequate or is there a need to strengthen it?

Q2: Are there any specific changes that can be made to the existing system to improve it?

CERC comments:

1. The existing complaint redressal mechanism provides for a two tier system implemented by telecom service providers (TSP). Additional recourse is available to the consumers through the online Telecom Consumer Complaints Monitoring System (TCCMS) set up by TRAI and the provision of, and sending complaints to the Public Grievance Cell of the Department of Telecommunications (DoT) if the grievance has not been redressed within the time limit prescribed.
2. This mechanism needs to be strengthened by vesting TRAI and DoT with statutory powers to resolve complaints and enforcement. Just acting as facilitators with complaints being finally routed to TSPs for resolution is not adequate or effective. In the absence of powers for resolving complaints or enforcement with TRAI and DoT, the TSPs can get away with service deficiencies. In most cases, the amount at stake being small in telecom consumer complaints, the complainant is not always motivated to take legal recourse because of time and cost constraints.
3. In many cases, the consumer gives up on pursuing the complaint. Referring to Table 1 in the consultation paper, it can be seen that the percentage of complaints going to appeal in quarter ending Mar 2016 for various TSPs ranges from 0% (BSNL) to almost 13% (Reliance). Does this indicate that rest of the complaints are resolved? Or have the consumers stopped chasing the TSP for complain resolution as it may not be cost effective for them? A system for monitoring and analysis needs to be put in place to assess the quality of service of TSPs with respect to consumer complaints against them. Unless this is done in conjunction with penalties for deficient service, the effectiveness of any redressal mechanism is not ensured.
4. Moreover, the number of complaints with each TSP is very high. Companies in the telecom sector aggressively market themselves with attractive schemes, plans and discounts. Considering the nature of service (including various prepaid schemes of very low amounts) consumers subscribe to particular and multiple TSPs. Taking into account the huge number of telecom consumers in the country, it is as important to improve quality of service of TSPs (signal related, billing related, value added services, voice quality, network related, customer service etc.) as it is to resolve complaints. The complaints received by TSPs should be compared and analyzed with respect to their subscriber base and the types of complaints. The regulatory authority should enforce corrective action and better practices based on the analyses. Penalties should be provided for deficiency of service and enforcement power given to the Regulator.
5. Online TCCMS should be modified to accept online complaints instead of just providing complaint

center details and complaint status information. The platform should be made easy to use with a consumer friendly GUI which gives options to the customer for lodging complaints like TSP name, geographical area, type of complaint, type of problem etc. Various contact options like online chat, email, phone can be provided for easy complain resolution. A well designed and structured system will result in easy and early complaint resolution. Private enterprises serving a large consumer base (e.g. [amazon.in](https://www.amazon.in)) have effective online/offline complaints redressal systems which can be used as reference points for improving the telecom grievance mechanism.

6. The online grievance mechanism should have transparent and user friendly mechanism for tracking the status of complaints and provision for escalation if unresolved.

7. Detailed information regarding complaints against all TSPs should be made available in the public domain. This should be displayed on the Online Grievance Redressal Portal/Website and on the DoT and TRAI websites. Information displayed should include data for number of complaints against each TSP, nature of complaints, number of those resolved, remaining unsolved, appealed, status thereof, time taken by TSP etc.

Transparency with information in the public domain, available for all to see, will give impetus to the TSPs to maintain service standards and be consumer friendly. It will also motivate more consumers to take up complaints, thereby creating a win-win situation of better services in the telecom sector.

Q3: Should a separate - independent and appropriately empowered - structure to resolve telecom sector complaints and grievances be established?

CERC comment:

YES. An independent and appropriately empowered structure/body to resolve complaints and grievances is required to be established in the telecom sector. Currently, the consumers are at the mercy of the TSPs unless they take legal recourse, which is not the best solution in this sector for the consumer considering the effort, time and cost involved.

Q4: If yes, please comment with regard to the organization; its structure; kinds of complaints to be handled and its powers?

CERC comment:

1. In addition to the existing grievance redressal mechanisms, an independent body or mechanism, or Ombudsman should be instituted in view of the huge number of complaints and the variety of problems faced by consumers in the sector. Irrespective of the funding provisions, the functioning of this office and its statutory regulatory powers should be independent of the TSPs and other industry stakeholders. It should have powers to impose penalties and award compensation and to enforce these independently.

2. The consumer's option to go to the consumer courts and the normal judicial system in case he so desires or in the case of dissatisfaction with the redressal should be maintained.

Q5: Is establishing an Office of Telecom Ombudsman an option that should be revisited, especially given the experience of the past few years of increasing numbers of complaints?

CERC comment:

Yes. It is imperative that this option is revisited and necessary provisions instituted for establishment of the Telecom Ombudsman. In absence of an independent authority with statutory powers to award penalties and enforce them, it is difficult to enforce that TSPs deliver adequate and desirable quality of service.

Q6: If yes, how should it be created – the legal framework? What should be its structure? How should it be funded? What types of complaints should it handle? What should be its powers, functions, duties and responsibilities?

CERC comment:

It should be an independent statutory office/body, established under the law with the primary objective of consumer protection.

We request you to take into consideration our suggestions/comments in the matter to provide better service and to strengthen the protection of the large numbers of telecom consumers in the country.

We look forward to your response.

Kind regards

Pritee Shah
Chief General Manager, CERC
Editor, Grahak Sathi



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