

CONSUMERS' PROTECTION ASSOCIATION

ADM OFF: DHALESWAR ROSD NO 15, AGARTALA 799007

REGD OFF: 29 CENTRAL ROAD, AGARTALA 799001, TRIPURS, INDIA

E-mail: indianconsumers@gmail.com

www.indianconsumers.org

CONNECTING CONSUMERS

24X7 ONLINE REGISTRATION

To

DR J S SARMA

CHAIRMAN,

THE TELECOM REGULATORY AUTHORITY OF INDIA

NEW DELHI

ap@traai.gov.in

COMMENTS ON Consultation paper No: 10/2010

ON REVIEW OF MEASURES TO PROTECT INTEREST OF CONSUMERS IN THE TELECOM SECTOR

Comments on the issues as mentioned in CHAPTER – V

SUMMARY OF ISSUES FOR CONSULTATION

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

COMMENTS: ON DEMAND SUBJECT TO TECHNICAL FEASIBILITY

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)

COMMENTS: NO, PROVISION OF A LANDLINE TELEPHONE AFTER REGISTRATION OF DEMAND MAY NOT BE REMOVED FROM THE LIST OF PARAMETERS REQUIRING MANDATORY COMPLIANCE TO THE AUTHORITY BUT IT SHOULD BE SUBJECT TO TECHNICAL FEASIBILITY

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)

COMMENTS: NO

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)

COMMENTS: IN ADDITION TO RENT REBATE, A SUBSCRIBER SHOULD BE PAID COMPENSATION ON DAILY BASIS FOR DELAY IN RECTIFICATION OF FAULT.

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

COMMENTS: THE TRAI MAY SUGGEST SOME IT BASED MECHANISM TO TRACK THE SUBSCRIBERS COMPLAINTS AND RESOLUTIONS.

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

COMMENTS: EXISTING PROVISION MAY CONTINUE.

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)

COMMENTS: THERE MAY BE REQUIREMENT FOR REPORTING BUT THE FREQUENCY FOR REPORTING MAY BE REDUCED GRADUALLY.

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)

COMMENT: YES

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)

COMMENTS: EXISTING TIME PERIOD MAY CONTINUE. BUT THE SERVICE PROVIDERS MAY BE REQUIRED TO MAINTAIN AND MAKE AVAILABLE THE DATA BASE OF ALL BILLS AND CALLS OF ALL SUBSCRIBERS. THE POLICY OF TRANSPARENCY SHOULD BE ENFORCED. THIS WILL ULTIMATELY REDUCE THE TIME FOR RESOLUTION OF BILLING/ CHARGING COMPLAINTS.

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)

COMMENT: YES. IN CASE BANK PARTICULARS ARE PROVIDED BY THE SUBSCRIBERS THE REFUND AMOUNT MAY BE CREDITED INTO THE SUBSCRIBER'S BANK ACCOUNT BY WAY OF ECS.

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)

COMMENT: MAY BE FOUR WEEKS. AND IN THIS CASE ALSO IN CASE BANK PARTICULARS ARE PROVIDED BY THE SUBSCRIBERS THE REFUND AMOUNT MAY BE CREDITED INTO THE SUBSCRIBER'S BANK ACCOUNT BY WAY OF ECS. FOR DELAYED REFUND THERE SHOULD BE HIGHER INTEREST SO THAT DELAY SHALL BE DISINCENTIVE.

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

COMMENT: IN CASE BANK PARTICULARS ARE PROVIDED BY THE SUBSCRIBERS THE REFUND AMOUNT MAY BE CREDITED INTO THE SUBSCRIBER'S BANK ACCOUNT BY WAY OF ECS. FOR DELAYED REFUND THERE SHOULD BE HIGHER INTEREST SO THAT DELAYED REFUND SHALL BE DISINCENTIVE.

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)

COMMENT: PRESENT BENCHMARK OF 15 DAYS FOR THE PARAMETER —SERVICE PROVISIONING/ ACTIVATION TIME MAY BE REDUCED TO 7 DAYS.

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

COMMENT: APPROVED PROVISION MAY BE EFFECTIVELY IMPLEMENTED BY REGULATION TO IMPOSE COMPENSATION AT THE HIGHER RATE.

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)

COMMENT:NO, EXISTING BENCHMARK MAY BE STRICTLY IMPLEMENTED. BUT REBATE MAY BE ALLOWED WITH COMPENSATION FOR DELAY.

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)

COMMENTS: PROVISION CAN BE MADE TO UNDERTAKE AUDIT IN ALL STATES/UTs AND TO SELECT PLANS ON THE BASIS OF A TRANSPARENT GUIDELINE

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)

COMMENTS: SERVICE PROVIDERS SHOULD ALERT A SUBSCRIBER BEFORE SUCH PREMIUM CALLS ARE PUT THROUGH USING SOME ALERT MESSAGE OR ANNOUNCEMENT THROUGH IVR. SUBSCRIBER SHOULD BE INFORMED ABOUT APPLICABLE TARIFF AND CALL IS TO BE PROCESSED FURTHER ONLY AFTER CONFIRMATION BY THE SUBSCRIBER TO PAY FOR

SUCH PREMIUM CALLS. SUCH METHOD HAS TO BE USER FRIENDLY AND SHOULD NOT BE UNFAIR AND DECEPTIVE.

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)

COMMENTS:

SERVICE PROVIDERS SHOULD PROVIDE COMPLETE INFORMATION ABOUT THE CHARGES FOR EACH CALL, CALL DURATION, BALANCE AMOUNT, ETC. IMMEDIATELY AFTER EVERY CALL AND SUCH INFORMATION SHOULD BE PROVIDED **BY SMS.**

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)

COMMENTS:

SUBSCRIBERS SHOULD GET COMPLETE INFORMATION REGARDING TOTAL AMOUNT TAKEN, AMOUNT CREDITED IN THE CUSTOMER ACCOUNT, AMOUNT DEDUCTED FOR TAXES AND AMOUNT CHARGED TOWARDS ADMINISTRATIVE COSTS, IF ANY , AFTER EACH RECHARGE.

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

COMMENTS: IN ALL THE COMMUNICATIONS, ADVERTISEMENTS, BILLS, , DISPLAY BOARDS IN ALL THE OFFICES OF THE SERVICE PROVIDERS CONTACT DETAILS OF ALL CALL CENTRES, NODAL OFFICERS. AND APPELLATE AUTHORITIES SHOULD BE MENTIONED.

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

COMMENTS:

CALL CENTRE NUMBERS SHOULD BE ACCESSIBLE FROM OTHER NETWORKS AND THIS SHOULD BE FREE.

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)

COMMENTS:

IT MAY BE THE FIRST SUB-MENU AT THE SECOND LAYER.

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?

COMMENTS: YES

Should such call centre numbers also be toll free? (Reference Para 3.53)

COMMENTS: YES

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

COMMENTS: YES

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)

COMMENTS: YES

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)

COMMENTS: YES

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)

COMMENTS: YES

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)

COMMENTS:

PARAMETERS PRESCRIBED IN THE TELECOM CONSUMERS PROTECTION AND REDRESSAL OF GRIEVANCES REGULATIONS, 2007 (TCPRG) SHOULD BE THE BENCHMARK. CALL CENTRES SHOULD INFORM THE CUSTOMER, AT THE TIME OF REGISTRATION OF THE COMPLAINT ABOUT THE TIME LIMIT WITHIN WHICH HIS COMPLAINT WOULD BE REDRESSED.

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)

COMMENTS: CERTAINLY

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)

COMMENTS: COMPLAINTS SHOULD BE CONSIDERED AS SUGGESTIONS FOR BETTERMENT OF QoS BY THE SERVICE PROVIDERS. TRAI SHOULD ALWAYS BE ALERT AND SHOULD BE READY TO TAKE CORRECTIVE MEASURES AS AND WHEN NECESSARY.

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

COMMENTS: IN ALL THE COMMUNICATIONS , ADVERTISEMENTS, BILLS, , DISPLAY BOARDS IN ALL THE OFFICES OF THE SERVICE PROVIDERS

CONTACT DETAILS OF ALL CALL CENTRES, NODAL OFFICERS. AND APPELLATE AUTHORITIES SHOULD BE MENTIONED.

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)

COMMENTS: IT SHOULD BE INSTANT BY SMS. UNIFORM SOFTWARE SHOULD BE DEVELOPED BY THE SERVICE PROVIDERS.

5.33. Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance?

COMMENTS: YES

Will it boost the confidence of the subscriber? (Reference Para 3.80)

COMMENTS: 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)

COMMENTS: THERE SHOULD NOT BE ANY PROBLEM IN COMMUNICATING THE MAXIMUM TIME LIMIT AS PER TRAI REGULATION. BUT THE TIME LIMIT SHOULD BE GRADUALLY REDUCED.

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)

COMMENTS: TRAI SHOULD ENGAGE IN THIS AREA FOR CONSTANT MONITORING OF GRIEVANCE REDRESSAL MECHANISM.

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

COMMENTS:

FOR ENHANCED ACCESSIBILITY OF NODAL OFFICERS SUBSCRIBERS SHOULD HAVE OPTION TO LODGE COMPLAINTS BY SMS,, EMAIL, FAX, AND WEB BASED COMPLAINTS REDRESSAL SYSTEM. UNIFORM SYSTEM MAY BE MANDATED BY THE TRAI.

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

COMMENTS: THERE SHOULD BE A REGULATION PRESCRIBING PROCEDURES FOR NODAL OFFICER SUCH AS FORM, TIME LIMIT FOR DISPOSAL AND COMMUNICATION BY THE DECISION OF NODAL OFFICER TO THE SUBSCRIBERS ETC. A REGULAR REPORT FROM THE SERVICE PROVIDERS ON THE ABOVE POINTS MAY BE INTRODUCED FOR MONITORING EFFECTIVENESS OF NODAL OFFICER.

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

COMMENTS: TRAI REGULATION SHOULD BE THE BENCHMARK. INDEPENDENT APPELLATE AUTHORITY CAN JUDGE THE SAME UNDER A REGULATION.

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

COMMENT: AS PER THE TRAI REGULATION.

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

COMMENTS: VIOLATION OF TRAI REGULATION SHOULD BE MADE FINANCIALLY DISINCENTIVE FOR THE SERVICE PROVIDERS.

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?

COMMENTS: TRAI SHOULD MONITOR IT DIRECTLY AND THROUGH INDEPENDENT APPELLATE AUTHORITIES.. INFORMATION TECHNOLOGY SHALL BE OF HELP IN THIS REGARD. TRAI /SERVICE PROVIDERS MAY DEVELOP A SOFT WARE FOR ONLINE TRACKING OF THE STATUS OF GRIEVANCES WITH ALL SERVICE PROVIDERS.

Do you perceive the need to mandate such provisions?(Reference Para 3.91)

COMMENTS: YES.

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)

COMMENTS:IT SHOULD BE TOLL FREE. IN CASE A SUBSCRIBER CONTACTS THE NODAL OFFICER WITHOUT FIRST CONTACTING THE CALL CENTRE, FOR WHATEVER REASONS, THE NODAL OFFICER EITHER ITSELF LOOK INTO THE COMPLAINT OR SHALL DIRECT THE SAME TO THE CALL CENTRE UNDER INTIMATION TO THE SUBSCRIBER. THIS SHALL TAKE CARE OF A SITUATION WHERE A CALL CENTRE IS NOT ACCESSIBLE OR DOES NOT ENTERTAIN THE COMPLAINT. A SIMILAR PROVISION IS THERE IN THE CODE OF CRIMINAL PROCEDURE WHICH SAYS THAT IF A COMPLAINT IS NOT RECEIVED BY THE OFFICER IN CHARGE OF A POLICE STATION, THE CITIZEN CAN DIRECTLY APPROACH THR HIGHER AUTHORITY.

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

COMMENTS: IN ALL THE COMMUNICATIONS , ADVERTISEMENTS, BILLS, , DISPLAY BOARDS IN ALL THE OFFICES OF THE SERVOCE PROVIDERS CONTACT DETAILS OF ALL CALL CENTRES, NODAL OFFICERS. AND APPELLATE AUTHORITIES SHOULD BE MENTIONED.

5.44. What framework to 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)

COMMENTS: A SIMPLE AND USER FRIENDLY FRAMEWORK WILL BE DESIRABLE.. SUBSCRIBERS MAY BE ALLOWED TO FILE APPEALS BY SMS, EMAIL, FAX AND ONLINE APPEALS SHOULD BE CONSIDERED.

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

COMMENTS: IT SHOULD BE INSTANT BY SMS AND EMAIL WRITTEN COMMUNICATION SHOULD LEAVE THE OFFICE OF THE APPELLETE AUTHORITY. WITHIN ONE DAY.

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)

COMMENTS; YES. EXISTING TIME FRAME AS PER TRAI REGULATION MAY CONTINUE. BUT THERE SHOULD BE INTERIM ORDER WITHIN 3 DAYS IF APPLIED FOR.

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)

COMMENTS: ALL THE APPELLATE DECISIONS SHOULD BE PUBLISHED IN THE WEBSITE OF THE SERVICE PROVIDERS AND ALSO MAY BE LINKED TO THE WEBSITE OF THE TRAI .FOR TRANSPERANCY.

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)

COMMENTS: THE APPELLATE AUTHORITY SHOULD BE INDEPENDENT AND THEREFORE SHOULD NOT BE OFFICERS OF THE SERVICE PROVIDERSOFFICERS. THE APPELLATE AUTHORITIES SHOULD BE FROM THE TRAI. THERE MAY BE CIRCLE WISE APPELLATE AUTHORITY IN LINE WITH THE BANKING OMBUDSMENT FROM THE RBI. TRAI MAY MAKE A REGULATION FOR FILING, DISPOSAL AND COMMUNICATION OF THE APPELLATE DECISIONS TO THE APPELLANTS.

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

COMMENTS: THE TIME LIMIT AS PER THE TRAI REGULATION MAY CONTINUE

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)

COMMENTS: SERVICE PROVIDERS MAY BE REQUIRED TO SUPPLY THE REQUESTED INFORMATION WITHIN 7 DAYS. ALL THE USAGE INFORMATION MAY ALSO BE PUBLISHED IN THE WEBSITE OF THE SERVICE PROVIDERS WHICH SHALL BE MADE ACCESSIBLE TO THE SUBSCRIBERS

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)

COMMENTS: IN NO CASE THE SERVICE PROVIDERS SHOULD BE ALLOWED TO START VALUE ADDED SERVICE WITHOUT THE EXPLICIT CONSENT OF THE SUBSCRIBERS. THIS UNFAIR TRADE PRACTICE SHOULD BE MADE DISINCENTIVE BY THE TRAI

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

104

COMMENTS: WHILE TRAI SHOULD CONTINUE TO ORGANISE NATIONAL / REGIONAL LEVEL EVENTS, CAGs MAY ORGANISE EVENTS IN THEIR RESPECTIVE STATES / UTs. INNOVATIVE PUBLICITY CAMPAIGN USING AUDIO, VIDEO, PRINT DRAMA ETC SHOULD ALSO BE ALLOWED TO BE ORGANISED BY THE CAGs AND OTHER NGOs..

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

COMMENTS:

ONLINE GRIEVANCE MONITORING SYSTEM, CONCEIVED BY TRAI (APPENDIX) MAY BE LAUNCHED AS SOON AS POSSIBLE. WE SUPPORT THIS. IT SHALL BE A USEFUL TOOL TO EMPOWER CONSUMERS AND FOR REDRESSAL OF CONSUMER GRIEVANCES.

OUR SUGGESTION IS THAT EXPERIENCE OF IRDA, SEBI AND MINISTRY OF CORPORATE AFFAIRS IN THEIR ONLINE GRIEVANCE/COMPLAINTS MONITORING SYSTEM MAY BE OBTAINED BY TRAI IN ORDER THAT NECESSARY PRECAUTIONARY MEASURES CAN BE TAKEN.