



August 16, 2016

**Comments to Consultation Paper on Complaints/ Grievance Redressal
in the Telecom Sector**

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

Citizen consumer and civic Action Group (CAG) has been dealing with consumer complaints since the past many years and from our experience, we can say that complaints against telecom service providers have reduced to some extent over the years. Thanks to the proactive efforts of TRAI in putting forth various consumer friendly regulations including the introduction of the 2 tier in-built redress mechanism. However, considering the continued increase in user base in the telecom sector and the diverse issues of subscribers that still go unaddressed, thus increasing consumers' frustration, there is definitely a further need to strengthen the complaint redressal mechanism that will be beneficial to consumers.

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

The existing system could certainly be improved. Today, there is no clarity in the appeal process and as mentioned in the explanatory note, there is great disparity in the number of appeals per month/quarter disclosed by service providers.

The following changes to the existing system could be considered to improve efficiency:

1. Separate contact numbers for customer care centres and issuance of docket number to be made mandatory – SMS giving docket number could be triggered when a complaint is made. If complaint is by email, docket no should be given. (Though this is required as per existing regulations, most service providers do not issue a docket no)
2. Separate contact numbers for appellate desk. Consumers should quote docket no given by customer care (This is also part of already existing regulations but not implemented) for appeals over phone, email or letters. This should be made mandatory as consumers should also understand and follow the process
3. Complaints to customer care, if not dealt with within a period of three days, shall automatically go to the appellate desk and this should be communicated to the consumer
4. No appeals without customer care docket number should be entertained

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5. All service providers should follow the appeal process as per regulations. In addition, the Advisory Committee should meet at least once in a month to deal with appeals and should individually acknowledge each appeal and give their view in writing. Later, the decision of the Appellate Authority should be communicated to the Advisory Committee
6. The complaint process should be properly documented by service providers
7. Details about the in-built redress mechanism to be widely, periodically, publicized and details to be made available in bills, stores of service providers and all petty shops that sell sim cards/ have recharge facility. Information to be made available in vernacular language
8. Periodical audit of the grievance redress process of all service providers could be done and published in order to ensure compliance with regulations

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

If this means establishment of an authority like the CGRF as under the electricity sector – this may not be needed as of now, especially if the existing system is strengthened and starts functioning more effectively. However, establishment of an Independent Ombudsman is highly recommended.

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

NA

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?

YES. Today, if consumers are not satisfied with the resolution offered by the Appellate Authority, they are left with no other option than to seek legal remedy, with all related, well-known problems associated with it. Therefore, it is important for the establishment of an Independent Telecom Ombudsman in every state, where consumers could appeal. CAG has been suggesting this since last many years and it would be good for consumers to have an easily approachable escalation matrix for complaints resolution, in the form of Ombudsman, to seek redress, before they are compelled to seek legal remedy.

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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?

The Ombudsman's office in every state should function under the aegis of TRAI, supported by TRAI. While consumers will have the right to appeal against the decision of the Ombudsman, the decision of the Ombudsman shall be binding on the service providers. Ombudsman shall have powers to award compensation. Apart from other related documents, the complainant shall be required to submit the Docket no given by the customer care, the observations of the advisory committee at the appeal stage and the written orders of the Appellate Authority, before the Ombudsman, while registering his complaint. Complainants can approach the Ombudsman even if the process is not properly followed. The complainant shall approach the Ombudsman within 60 days from the date of the Appellate Authority's decision and the Ombudsman shall hear and dispose the case within 2 months from the date of registration of complaint.