

**September 9, 2010**

**Citizen consumer and civic Action Group (CAG)  
Chennai**

**Comments on the  
Consultation Paper No.10/2010 on Review of measures to protect interest of  
consumers in the telecom sector by Telecom Regulatory Authority of India**

5.1

When the parameter for mandatory compliance already exists, we do not find the specific need to remove the same. Instead it could continue to remain.

5.2

As above

5.3

The rental rebate could be increased to 15 days, one month and three months respectively, based on the delay in attending to repairs. However, the main issue, as mentioned, is that of compliance. To make this effective, it is important for TRAI to monitor complaints registered ( an independent body may be set up for this purpose) and take stringent action – a penalty could be imposed and publicized - against service providers who are repeated defaulters. The situation should be such that when there is a delay, the benefit of compensation is passed on to the consumer without him asking for it.

Number portability might act as a deterrent for this as there is the possibility of consumers shifting to other service providers. However, this would not be the solution. It is important for the service providers to be more accountable.

5.4

As above

5.5

As above

5.6

No

## 5.7

It is a known fact that problems are more critical when disconnection is requested orally. There are instances where disconnection doesn't happen even after three months. Therefore, it is suggested that a docket number be given (to be given at the beginning itself) and the procedure involved be explained in detail (this could be done after the service provider's efforts to retain the customer fails even after two or three attempts within the specified time) when a request for disconnection is made over phone so that it would be easier for the complainant to follow up in case the issue is not resolved within the stipulated time frame.

## 5.8

Yes, seeking explicit consent should be made mandatory and it should be done within the stipulated time which is more important.

## 5.9

Most service providers address this issue much earlier when *we* escalate the complaint to them. Therefore, four weeks could be brought down to fifteen days which should be more than sufficient.

## 5.10

If service providers stick to all the time limits stipulated, then there would not be any problem in the consumer waiting for the adjustment/waiver/credit to their accounts for one more week. However, more often, this is not the case and hence the consumers get frustrated.

## 5.11

We are sure that majority of mobile telephone users do not have roaming facility and therefore, the question of receiving details from the roaming partners does not even arise. For this population, it should be realized that the 60 days time frame is too long a period. So, this issue could be divided into two. One, for the few people who have the roaming facility, where this existing time frame of 60 days could be applied and for the rest, the period could be limited to a maximum of fifteen days and it should be mandated that the same be communicated to the consumer at the beginning itself. Often, interest for the delayed period is not settled unless the consumer is aware and fights for his rights. It should be insisted that service providers pass on the benefit to the consumer suo-motto and in our opinion, setting up of a monitoring committee, as suggested earlier, to look into these issues would definitely yield better results. Repeated defaulters should be penalized and the benefit passed on to the consumer.

## 5.12

As above

5.13

No

5.14

Non readiness of the customer could not be the reason for bypassing the provisions laid down by TRAI as consumers normally approach the service providers only when they need the service. The compensation of Rs.10/- per day at times of delay beyond the prescribed time is also not passed on to the consumer. Therefore, it just has to be insisted that the service be activated within 15 days or the money refunded to the consumer immediately.

5.15

With regard to rebates, the suggestion given in 5.3 could be considered to make the service providers more accountable.

5.16

It should be ensured that subscribers who fall within the plans launched in earlier years do not become scape goats. Copies of inadequacies pointed out by the audit firms and the action taken report by the service providers may be sent to media for publication. This will improve transparency.

5.17

The subscriber should definitely be informed in English and the vernacular language about the charges applicable before such premium calls are put through. Technical feasibility of automatic announcement through IVR once the premium call is made and then ringing of the number could be considered. If the customer does not want, he could always disconnect the line.

5.18

It would be really nice if all the points, about the need for providing complete information, display for sufficient time and obtaining information by sending sms on toll free numbers, mentioned in para no. 2.43 were adopted as this would be highly beneficial to the consumers.

5.19

It is true that provision of complete information to customers would make the recharge system more transparent leading to better consumer satisfaction. However, as suggested earlier, it is important to ensure that TRAI's mandates are not ignored for the advantages to reach the consumers.

5.20

SMS, once in a while, about the existence of call centres for redress and their numbers to consumers would be good. However, it should be remembered that people living in the rural areas may not be able to read and understand such messages. For the message to actually reach them it would be better to have awareness programs at district and panchayat levels. Street plays and the sort could be enacted to create awareness. This could be done in partnership with Consumer Groups which TRAI has already started working on.

5.21

Practically, it is impossible for operators to complete calls within 60 seconds. The call could easily extend beyond 5 minutes, depending upon the nature of the complaint, the complainants and the executives. Hence the frequent problem that consumers are not able to get connected to the operators. The time frame of 60 seconds could be extended to 5 minutes and the best option would be to increase the number of lines so that the consumers do not encounter busy signal. Proper training of the operators is also essential for them to act quickly.

5.22

Yes

5.23

Yes

5.24

Yes

5.25

Other than giving it orally, conveying docket number through SMS will definitely help consumers to pursue their complaints. However, with regard to increase in the effectiveness of consumer grievance redressal system due to this – we will have to wait and watch.

5.26

Yes, it would definitely help in monitoring.

5.27

Yes, customers must definitely be informed about redressal of their complaints before closure of docket. However, sms alone does not sound as an ideal solution because there is every possibility of the service provider stating they had messaged already and the consumer disputing that they were not informed. A phone call along with sms for telephone complaints and an email for email complaints would be better.

At this juncture, we would also like to point out that complaints sent by post are mostly ignored. Service providers should realize that there are people who do not have access to emails, do not know how to message and all. Therefore, they should respond by return post and there a need to specifically include this clause also in the regulations.

5.28

It is true that high percentage of complaints are resolved at the nodal level. However, with regard to call centres, there is an important need for educating the executives to ensure effective redressal. Instead of service providers submitting quarterly reports, if TRAI sets up this monitoring committee just to monitor complaints, awareness about this could be created and public could be asked to mark copy to TRAI as well. This will make the service providers more accountable. Repeated defaulters should be penalized.

5.29

Yes, intimation of the time frame for redressal of the complaint at the time of lodging the complaint itself would be the best solution. If due to some reason they are not able to keep up the time limit, this should also be promptly conveyed to the consumer. This will definitely increase subscriber satisfaction level to a great extent.

5.30

Using complaints received at call centre as a parameter for improvement in quality of service and processes adopted by a service provider is good because this is the area against which there are many complaints. And the service providers should show drastic improvement during each analysis. And yes, it would be best if TRAI oversees the analysis and monitors corrective actions as this will only assist in improving the quality of services provided by the service providers.

5.31

All points mentioned in Para No. 3.76 are agreeable. In addition, suggestion given in 5.20 should also be considered.

5.32

There is no necessity for any time frame for the nodal officer to acknowledge receipt of a complaint. It could be done immediately upon receiving a complaint and docket number given as in the case of call centres. They can address the complaint within three days as stipulated by the regulations of TRAI.

5.33

Yes, this should be mandatory and this will definitely boost the confidence of the subscriber to a great extent. If due to various reasons, they were not able to keep up the time frame, that should also be communicated at once.

5.34

Yes, it should definitely be possible. The number of telephone lines and nodal officers could be increased to address this issue, if there were problems.

5.35

When TRAI's regulations are violated, nothing much can be done in the present scenario. Appointing the monitoring committee by TRAI, as suggested earlier, could help improve things to a great extent as this will make the service providers more liable.

5.36

To begin with, it could be mandated that each service provider should have a minimum number of nodal officers for a specific area (this could be categorized as cities, districts, taluk wise). The telephone lines should definitely be increased as getting through to the nodal officer is a menial task in the present day. As pointed out earlier, complaints sent by post should be properly acknowledged and resolved which is not happening.

5.37

Other than a monitoring body appointed by TRAI which would constantly observe, TRAI could ask registered consumer groups to do surveys and submit feed backs from the subscribers of various service providers.

5.38

As above

5.39

As there is going to be delegation of work and increase in the number of officers at the nodal desk, three days should be sufficient for any type of complaint. If for some reasons

the issue is not addressed within the stipulated time frame, the nodal officer should communicate the same with reasons to the subscriber.

5.40

Penalties could be imposed on repeated defaulters other than the monitoring by TRAI. Anyway, when the number of nodal officers are increased this should not be a problem. However, nothing like the service providers acting with more conscience!

5.41

Regular analysis of grievances at nodal level to improve effectiveness is a good suggestion. In relation to this, please note the points mentioned in 5.37

5.42

The numbers for approaching the nodal officer should definitely be made toll free as it is true that mostly consumers only escalate complaints to the nodal desk when the issue is not resolved at the call centres. However, it is also true that there is a possibility that when the numbers are toll free, the subscribers would call the nodal officer straight away thus defeating the very purpose of having a hierarchy in grievance redressal mechanisms. May be it could be designed in such a way that when the consumer calls the toll free nodal desk number, he should first give the docket number given by the call centre and only then the call would be processed. That way, the nodal officer will not be unnecessarily disturbed.

5.43

Other than points mentioned in Para No.3.95, suggestions from 5.20 could be included.

5.44

Though the appellate authority is at the top in the hierarchy, he is only a part of the inbuilt redressal mechanism and therefore, in our opinion, the necessity for the complainant to submit a complaint in the prescribed format could be done away with. Instead, the same procedure as done with the nodal level could be followed. When consumers call the appellate authority in the toll free number, the docket number given by the nodal desk should be mentioned for the call to be processed further. Service providers can decide on unique numbers in such a way that they are able to easily identify the authenticity of the complaint.

5.45

An appeal to the appellate authority could be acknowledged within a day.

5.46

Yes, definitely.

5.47

Yes, feedback mechanism should be institutionalized at appellate authority level of service provider to improve effectiveness of the processes. With regard to improving transparency, the earlier mentioned suggestions with regard to the nodal office could be adopted.

5.48

As long as the appellate authorities are employees of the service providers, they will certainly be the extended arm of the service providers and it cannot be expected of them to act impartially.

If TRAI's regulations envisaged an independent authority with a secretariat who could consider appeals filed by customers independently and impartially then, appointment of a Telecom Ombudsman state-wise, by the Authority, regarding which consumer groups have been suggesting since very long, would be the answer.

5.49

Since the appellate authority is part of the inbuilt grievance mechanism and only few complaints go to that level, we are of the opinion that the appeals should be decided within fifteen days from date of complaint made.

5.50

Information about itemized usage charges should *reach* the pre-paid customers within a week from the date of placing the request as the charges of Rs.50/- are immediately debited to his account.

5.51

The regulations put forth by TRAI with regard to value added services are excellent as such and the lacking element is the implementation of the same. Imposing heavy penalties on wrong doers would be the only way to bring this under control. The monitoring committee should be able to identify the offenders.

5.52

Other than points mentioned in Para 4.8, which are very much useful in educating the mass, propagation through television media, which has better reach even in the rural areas, in all states in vernacular language would increase effectiveness. Stickers/Notice

Boards containing important / relevant redressal mechanisms available should be displayed in all retail stores including petty shops selling prepaid cards.

5.53

Though the web based consumer grievance redressal mechanism will be restricted to email complaints, it is definitely a positive step forward and is highly appreciated. Only when the system becomes functional, the gaps, if any, could be identified.

Suggestions –

With regard to the broadband services, the issue of ‘speed’ needs to be addressed. All service providers mention the maximum speed limit which they state that they were providing – ‘upto’ being the operative word. However, in practice, the speed is much low and there are numerous complaints that there was frequent disconnection for want of sufficient speed. Would it not be better for the service providers to mention the minimum speed also?

Implementation procedures need to be strengthened for the benefit to reach the consumers.