



**Telecom Regulatory Authority of India**

**Responses Received (Revised) on**

**Consultation Paper No. 01/2007**

**dated 03.01.2007**

**on**

**Redressal of Consumer Grievances**

**and Consumer Protection in**

**Telecommunication**

**Telecom Regulatory Authority of India**

**Mahanagar Door Sanchar Bhawan**

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**New Delhi – 110 002**

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**Revised Comments of various stakeholders on the issues raised by TRAI in its consultation paper no. 01/2007 dated 3<sup>rd</sup> January, 2007**

**on**

**Redressal of Consumer Grievances and Consumer Protection in Telecommunication**

**General Comments**

**MTNL:**

MTNL feels that each service provider should have the flexibility of complaint redressal mechanism to meet the objective.

**RELIANCE COMMUNICATIONS LTD:**

We are pleased to enclose our views on the Consultation Paper on redressal of consumer grievances and consumer protection in telecommunication issued by the Authority. It has been our objective to provide communication services to consumers at affordable rates and service quality that generates value for consumers. We are constantly striving to provide an enhanced customer experience that fulfils the needs of our customers. Due to the explosive growth being witnessed in the telecom sector, consumer protection is proving to be an area of significant concern across the industry. It would be unrealistic to expect redressal of all consumer grievances; however, it is essential to redress the complaints of customers in a time bound manner that will enhance the productivity of users of telecom services.

While welcoming the Authority's initiative in addressing an area of concern amongst consumers, we would like to put forth our concerns for the Authority's consideration:

The following mechanisms are already in existence to address consumer grievances:

**Level I -**

Our retail outlets, located at convenient and easily approachable places, which act as touch points to resolve customer complaints, queries and service requests. We have also instituted a Consumer grievance redressal mechanism at **Call Centre level** where a well-defined and uniform process for handling customer complaints and requests exists. Customers can call a National Tollfree Helpline number 30333333, which is widely advertised/published in all advertisements, leaflets, brochures, banners, posters, website, & Bills, direct mailers sent to customers. There are separate Helpline numbers for Mobile/FWP and Broadband queries/complaints. Customers can seek resolutions or information through our Call centre in more than 10 regional languages, besides Hindi and English. A Complaint number/Trouble ticket number is issued to customers upon

receiving their requests/complaints. As the request/complaint is resolved, customers receive an SMS/call to that effect.

#### **Level II -**

The escalation of complaints can also be done with the **Nodal officer**, who is appointed in each circle. The name, e-mail address, postal address, telephone number & fax number of Nodal officers are indicated on our website and also on the TRAI website.

#### **Level III -**

In case customers' queries/complaints are not resolved to their satisfaction, complaints can be escalated to our Appellate Authority. The details of Appellate Authority are printed on the bills issued to customers. This information is also available on our website.

#### **Level IV -**

Customers can also escalate their complaints to our Company headquarters via our **Corporate centre**, which is managed by a high powered team, that helps resolve complaints. The details of Corporate centre are indicated on our website.

Besides the above, the Company has a well-defined procedure to resolve the complaints escalated by TRAI from various customers all over the country which are responded in a time bound manner and the resolutions offered to the customers are also informed to the Authority.

The Authority has recently instituted the annual audit of metering & billing systems of service providers. The first audit by auditors short listed by the Authority is already underway. The scope of the audit is in-depth and extensive as it covers not only the audit of complaints made by customers but also a review/analysis of the various processes set up by the service provider that may result in consumer grievances. The audit also takes care of the customer friendly measures directed by the Authority such as transparency in tariff information, credit limit, premium rate services, refund/migration and terms & conditions relating to restriction/cessation of service by the service provider.

In addition to the mechanisms instituted by us, there are multiple forums/agencies that help in redressal of the consumer complaints. Consumers can approach any of the following independent forums for redressal of their complaints:

1. District forums and State consumer disputes redressal commission
2. National Consumer Disputes Redressal Commission under Consumer Protection Act, 1986
3. Group of consumers also have an option to approach TDSAT in case of any dispute with a service provider.
4. The Monopolies and Restrictive Trade Practices Commission
5. Complaints to DoT Public grievance cell

In addition, the normal legal remedies through civil courts are also available to the consumer.

The Authority is also aware that the industry, through a voluntary and self-regulatory initiative, is also going to establish an office of Ombudsman to address the consumer complaints against their respective Service Providers.

Thus, as can be seen from above, various options are available for consumers to seek redressal of their grievances. The industry is experiencing rapid growth both in terms of new services and new entrants. From a consumer perspective it is imperative that all industry participants providing services to consumers develop and implement systems, processes and procedures that facilitate the resolution of complaints relating to services being provided by them. Moreover, competitive/market forces emanating from the generally rising standards of service in all areas involving consumer consumption, force a suo moto and constant upward revision of service practices, channels and SLAs by the service providers. As a result, service providers are constantly reviewing and enhancing technologies as well as processes of customer service and grievance redressal to stay abreast/ahead of the requirements, both stated and unstated by consumers. Infact, with a view to provide more options to subscribers, we had favoured the introduction of number portability to further stimulate the growth of telecom sector, which will result in enhanced quality of services to telecom subscribers.

The Authority, while reviewing the customer complaint redressal mechanisms through this consultative exercise, should take into account the above mechanisms that are already functioning in the sector. Consumers have multiple options to approach any of these forums for redressal of their grievances. The existence of multiple or parallel bodies may lead to confusion in the minds of consumers and also result in delay in effective resolution of their complaints.

### **VSNL**

We suggest for Internet service providers, language of the manual can be English. Changes in regulatory, statutory and commercial laws of the country may prompt the Service provider to change (increase / decrease) tariffs within 6 months of acquisition of the customer. Hence, the same cannot be guaranteed.

For example, when there was an increase in Service tax from 10.2% to 12.24%, we had to transfer the additional cost to the customer.

### **SIFY LTD:**

At the outset, we appreciate and welcome the proactive and forward looking approach taken by the Authority in initiating the consultation process for **Redressal of Consumer Grievances and Consumer Protection in Telecommunication.**

At Sify, we have always kept our subscribers concerns in the forefront while at the same time we have looked for innovative means to be in close contact with our subscribers. It is this willingness to improve our interface with our subscribers, that we have aggressively addressed any issue regarding any request for redressal by our subscribers. Before we proceed to answer the questions raised in the consultation paper, we would like to place some relevant points on record.

Contrary to what is stated in paragraph 4.1 of the instant consultation paper, we do not believe in delivering services through agents or any third party entity. Our direct interaction with our subscribers enables us to gain first hand knowledge about the demand made by our subscribers. Thus, the knowledge gained, allows us to refine and customize our services even further. We take this opportunity to elaborate the details of our existing call centre setup which we endeavor to constantly upgrade in proportion to the expansion of our subscriber base. We have proactively evaluated the need for a fully functional call center at every location where our services are available. Not only have we taken every possible measures to equip our call centers with latest software and hardware but have also constantly upgraded the skills of the technical support staff who provide help desk support. Adequate capacity is installed keeping in view the rate of expansion of our services. Presently we have an extensive call centre infrastructure spread over 93 locations across the country with more than 4200 installed voice circuits exclusively dedicated to serving our subscribers.

The issue of engaging collection agents has been raised in paragraph 4.5 of the consultation paper. Regarding this, we would like to point out that all our services and products that are addressed to the retail market operates on a prepaid model wherein subscribers can choose and buy a prepaid Internet access pack from a wide matrix of such plans. The prepaid model offers the flexibility sought by subscribers and also completely does away with the hassles of producing a bill at the end of the month. Since, the payment is made before the usage, billing disputes are eliminated and also the need for external collection agents. Prepaid recharges for all our retail subscribers are centrally monitored and takes place in real-time. Though problems during recharges are extremely rare, we are able to resolve any problem / dispute that occur while recharging since the entire process happens online and in real-time.

We believe that the existing institutional mechanism for handling consumer complaints that was put in place quite a long time back has become slightly defunct in the face of exploding population of telecom and Internet users. We concur with the Authority's view that the mechanism and procedure for handling consumer complaints needs to be modified and expanded in proportion to the expansion of customer base. Therefore, we feel that this is an opportune time to re look at the institutional mechanism.

### **National Consumer Helpline, Core Center & Voice:**

We place on record our thanks for the efforts put in by TRAI for their most pro-active step towards consumer protection as we have been pleading for **MANDATING COMPLAINT REDRESSAL MECHANISM for the last eight years**. We are confident that the mechanism as proposed in the consultation paper would reduce number of complaints and increase CUSTOMER SATISFACTION. In this connection, please recall the meeting we had in the conference room on 10/01/2007 wherein we had raised some of the consumer concerns which required TRAI attention for its addressing. Mr. Shyamal Ghosh, Former Secretary, Department of Telecommunication was requested to prepare a document on the subject as an Independent expert. The document as submitted by him is attached as **Appendix A** and may kindly be read as a part of our response which we fully endorse.

2. While wholeheartedly endorsing the Consultation Paper, we urge the following:

- 2.1 TRAI should use the existing powers mentioned in para 3.2.1 and 6.8 of the paper at Appendix A and ask the licensor to take action against service providers for violation of terms and conditions of licence.
  - 2.2 TRAI should help CAGs to take Quality of Service issue to TDSAT under existing provisions of law as mentioned at para 3.2.2 & 3.2.3 of the paper at Appendix A.
  - 2.3 TRAI should expose the Spectrum Bogey raised time and again and restrain service providers from taking on new subscribers until they have new spectrum. It should undertake a study to ascertain whether adequate investments have been made to increase cell sites to fully utilise the allocated spectrum effectively and optimally as mentioned in the para 6.4 of Appendix A.
  - 2.4 The tier 1 redressal mechanism should have the following features:
    - a) Web based complaint tracking system where a consumer should be able to track the status of each complaint based on docket and registration no. (see para 6.5 of Appendix A)
    - b) Introduce a schedule of financial compensation wherein non-compliance of QoS parameter should make compensation payable automatically and without demand to a consumer ( see para 6.7 of Appendix A)
    - c) Incorporate basic features of ISO 10001, ISO 10002, ISO 10003 and IS 15700 in the proposed regulation so that a fully integrated grievance redressal system with linkages to QoS/ Citizen Charter is available (see para 6.7 of Appendix A)
    - d) TRAI provide for an independent periodic audit of the system by independent certified auditor (see para 6.7 of Appendix A). CAGs should also be involved in relevant audit areas.
3. TRAI should seriously consider the following steps to energise, strengthen and support CAGs as suggested in para 8.2 of Appendix A:
- a. Provide technical experts as Consultants to CAGs at cost of TRAI ( see para 7.1 of Appendix A)
  - b. Financial support to CAGs for contesting before TDSAT (see para 7.2 of Appendix A)
  - c. Financial support to CAGs for seminars, workshops and conference to increase consumer awareness as well as periodic surveys of consumer interest ( see para 7.3 of Appendix A ).**Voice** is conducting a survey on key QoS parameters in 2007 and would like TRAI to provide necessary support, guidance and assistance in this regard.

d. TRAI should set up a forum to facilitate a stake holders dialogue between service providers and CAGs (see para 7.4 of Appendix A).

4. Some aspects which deserve careful attention in framing of the regulations are emphasised below:

4.1 The service industry, BANKING, INSURANCE and ELECTRICITY , have three tier approach to resolve consumer grievances. The Consumer Courts are only as a last resort at Tier 3:

- A] Tier 1 [ Company Level]
- B] Tier 2 [Ombudsman ]
- C] Tier 3 [ Consumer Forum]

4.2 **In case of Telecom services, consumer is harassed at tier 1 by the companies and is advised to approach Consumer Courts directly. TIER 1 is not SATISFACTORY.** NODAL officer, being the human face of the service provider, should be so located as to be easily available PHYSICALLY in the local area/ location/ town/ city where the service is provided or the payment is collected.

4.3 A subscriber has a simple complaint. When this is not addressed, it becomes a Grievance. When not resolved, grievance becomes an irritant i.e. a DISPUTE. Redressal Mechanism proposed must strive to prevent this.

4.4 Company official as Appellate Authority / Telecom Adalat sounds legacy of feudal system. He may be designated as **Senior Complaint Redressal Director**. But this does not negate the need for Creation of **Telecom Ombudsman**. UNCLAIMED FUNDS available with service providers must be utilised for the purpose in initial stage, to be funded by service provider's own funds subsequently. TRAI must take up this issue afresh with Government and have the Ombudsman set up as mention in the paper submitted at Appendix A ( section 4 & 5).

4.5 Mobile subscriber's number far exceeds that of fixed line subscribers and 90% of mobile subscribers are PRE\_PAID subscribers. **In fact they form 70% to 80% of telephone subscribers.- BREAD WINNERS FOR THE INDUSTRY..** Hence the contact details of CALL CENTRE, Nodal officer and Appellate Authority need be published in local ENGLISH, Hindi and Vernacular news papers at regular interval of ONE month and HANDOUT at selling outlets [ source for sale of recharge coupons ] to ensure that the mechanism is effective and fruitful.

4.6 In the proposed mechanism, the regulator is in a STAND ALONE mode. Our experience about SELF REGULATION and SELF MONITORING by the service providers has been most dissatisfactory. Survey / monitoring by an independent agency under the aegis of TRAI had no effect on Quality of Service in absence of adequate enforcement. The survey reports are mostly

subjective. The regulator has not invoked its powers of recommending to Licensor for severe action against service providers for not complying with the licensing conditions and deficiencies in Quality of Services.

- 4.7 Reporting Requirements. We request for a reporting system to be placed wherein all service providers to be mandated for reporting on a regular basis for the number of complaints received by the call centre and the nodal officers. We believe that only one percent grievances should move up from NODAL OFFICER to Appellate Auth. in an effective system and for SATISFIED CUSTOMER.
- 4.8 For effective mechanism, the regulator must be in loop which can be created, using various IT applications, as done in Australia. Suggested format that can be used by the consumer reporting to the regulator is at **Appendix B**. The undersigned are ready to engage with TRAI and the Telecom Service providers in this regard.

This memo is filed on behalf of all three (NCH, Voice, & Core). Further details in this regard can be obtained from Mr. S.K.Virmanani ( Mob. No. 9868170286, email: [skvirmani.nch@gmail.com](mailto:skvirmani.nch@gmail.com)) of NCH who is coordinating the response on these issues.

**SHYAMAL GHOSH (Independent Expert)**

Mechanism for Redressal of Telecom Consumer Grievances

Introductory:

1.1 Economic reforms in the Telecom Sector have been largely successful in promoting rapid growth in teledensity. This has been primarily due to liberalization which transformed a highly monopolistic regime into a competitive environment by allowing multiplicity of players in all the segments of the sector. Post reforms the sector has witnessed very competitive and affordable tariffs engendering a very high growth profile. In recent times more than 6 million new subscribers are being inducted every month.

1.2 The following table illustrates the exponential growth rates experienced after 2000:

<u>Year</u>	<u>Total number of subscribers</u> (in million)		
1947	0.08		
1971	1.00	}	
1981	2.50	}	Source DOT
1991	5.07	}	
2001	42.00	}	
2004	92.88	)	
2005	124.78	)	Source Times of
2006	189.93	)	India

Teledensity has increased almost 100%: from 8.62 in 2004 to 17.16 in 2006. The growth has been most remarkable in the cellular mobile sector; while the fixed wireline sector has been stagnating – and even showing negative growth – the wireless sector has been the engine of growth, as is happening in most parts of the world. Of course, with increasing broadband services it is expected that the fixed wireline sector will also recover some momentum.

1.3 A competitive environment is normally expected to be very responsive to grievances of subscribers by ensuring high quality of service. Unfortunately this has not happened. The data available with some of the Consumer Advocacy Groups (CAGs) would indicate that the incidence of subscriber grievances has grown very rapidly in the telecom sector as compared with other service sectors like banking or insurance. Therefore, there is increasing demand for establishing an effective institutional mechanism for redressal of subscribers' grievances.

## 2. Existing statutory position.

2.1 One of the objectives of the Telecom Regulatory Authority of India Act, 1997 (the Act) as mentioned in the preamble is to “protect the interests of .. consumers of the telecom sector.....”. The powers and functions of the Regulatory Authority are enshrined in Chapter III of the Act. Section 11(1)(b)(v) provides that one of the functions of the Authority will be to “... ensure the quality of service..... provided by the service providers so as to protect interests of the consumers of telecommunication service.” Under Section 13 of the Act, the Authority also has power to issue directions “to the service providers as it may consider necessary .... On the matters specified in clause (b) of sub-section (1) of Section 11.

2.2 As per Section 14(a)(iii), the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) can adjudicate any dispute “between a service provider and a group of consumers”. It is also stipulated that TDSAT cannot adjudicate in matters relating to “the complaint of an individual consumer maintainable before a.... Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under Section 9 of the Consumer Protection Act, 1986...”

2.3 The Licensing Agreements between the Government and the service providers, inter-alia, stipulate that complaints regarding repairs, fault rectification, compensation or refunds will be dealt with as per guidelines, order or regulation or direction issued by the licensor or TRAI from time to time. The Indian Telegraph Act, 1885 under which the License Agreements are executed also provides for appointment of arbitrators to handle disputes between service providers and subscribers.

2.4 The position that emerges from the above situation is that the Legislature was quite clear and emphatic that individual consumer disputes/grievances redressal in the telecom sector would be maintainable only under the Consumer Protection Act, so as to avoid overlap of jurisdiction. In fact this is the position in many countries like in Canada. However, examples of the Telecom Regulator being empowered to deal with telecom subscriber grievances are also there like FCC in USA as also setting up a separate mechanism to deal with such matters. (Ombudsman in Australia & U.K.)

2.5 It could be surmised that in the Indian context, it was believed that it would be difficult for a Central Telecom Regulator operating from Delhi to deal with the large number of individual complaints that may come up throughout the country. Since there is already a Statute viz. Consumer Protection Act and a decentralized mechanism for dealing with individual consumer complaints, it would be the proper forum for dealing with individual complaints. However, provisions have been made to deal with generic issues at the level of the Regulatory Authority as well as TDSAT.

### 3. Steps Taken:

#### (i) The Department of Telecom.

The DOT directive dated 22<sup>nd</sup> September, 2005, stipulated that all access providers have to set up Consumer Grievances Redressal Mechanism at the Call Centre Level and also have an Appellate Authority within the Company. The DOT also has a Public Grievances Cell at Sanchar Bhavan, New Delhi, which receives various types of complaints related to Telecom Services and takes these up with the concerned service provider for redressal.

#### (ii) TRAI

The Telecom Regulator has been extremely proactive in taking up several initiatives for protecting the interests of consumers. These have been through various directives and orders on the subject as well as in its Quality of Service Regulation. Some of the important initiatives are listed as Annexure I. TRAI is of the view that it is not empowered to handle individual consumer complaints against service providers but could look into issues of systemic failure or of generic nature affecting large number of consumers. It also appears that a view has emerged that if a service provider disputes any “direction, decision or order of the Authority...” they fall within the jurisdiction of TDSAT. Therefore, TRAI could not enforce any of its directives or regulations contested by a service provider.

3.2.1 It would be interesting to examine the powers of TRAI in this context. It is quite clear that individual consumer grievances “maintainable before a Consumer Disputes Redressal Forum or ... Commission” will not be maintainable even before TDSAT. However, at the same time, TRAI has the mandate u/d Sector 11(1)(b)(v) to “ensure the quality of service”. TRAI has taken the first step by promulgating Regulations on Quality of Service of Basic & Cellular Mobile Telephone Services under Section 11(1)(b)(v) read with Section 13 & Section 36 of the Act. These Regulations are fairly comprehensive. TRAI has also taken follow up action and conducted surveys on Quality of service from time to time which have revealed several serious shortcomings vis-à-vis its own regulation. However, the follow-up in the shape of tangible action to “ensure the quality of service” is not very apparent. One option could have been to report to the licensor the shortcomings notified because TRAI has also to “ensure compliance of terms and conditions of license”. It is not clear whether formal reports have been sent to the licensor under these provisions to ensure quality of service. In case such reports have

been sent it is also not clear whether the licensor has initiated any action based on such reports.

3.2.2 The other option in this regard could have been to take recourse to the provisions of Section 29 of the Act read with Sections 36 and Section 34. Of course this would entail filing a complaint with the appropriate judicial authority. In both the contingencies TRAI would have to plead its case before a third party. Further, both could entail severe adverse consequences for the recalcitrant party over which TRAI would have hardly any say. The other option would be if any service provider disputes a step taken by TRAI to ensure quality of service, then the matter could be followed up with TDSAT, which would help the CAGs. However, whether such a matter could be treated as a dispute is still to be settled. It is rather surprising that the Regulator has not availed any of these provisions and instead has sought powers for itself to impose penalties on service providers. If TRAI had taken recourse to the existing provisions and then based on the results had sought such penal powers, the case for giving such powers would be stronger. Perhaps, the legislature in its wisdom consciously decided that such penal action should rest with judicial bodies and not quasi-judicial organizations. After all TRAI is a “body corporate” charged with certain prescribed functions.

3.2.3 Another provision of the Act which apparently so far has not been widely used by a consumer group relates to Section 14(a)(iii). It seems so far only one such case had come up before TDSAT. There is a general feeling that this provision is difficult to avail. Firstly, there is the logistical deterrence involved in coming all the way to Delhi to seek redressal under this provision. Secondly, the cost deterrence would also inhibit taking recourse to such redressal. A class action suit against a service provider would need substantial resources, including financial and legal support, which many group of consumers would find it difficult to mobilize. However, a support mechanism could be evolved for dealing with class actions of substance. This would need empowerment of consumer organization by TRAI or by other concerned agencies of Government.

#### 4. Global scenario.

4.1 In this context it would be interesting to analyze the alternate options used in other countries and the suggestions made by TRAI as well as the steps taken. In fact, the consultation papers of TRAI on (i) the establishment of a Telecom Ombudsman, (2004), (ii) Review of Quality of Service Parameters (2005) and (iii) Redressal of Consumer Grievances and Consumer Protection in Telecom (2007), provide a glimpse of the global scenario.

4.2 In the paper on Telecom ombudsman, reference has been made to the situation in Australia and U.K. In fact, in Australia the Telephone Industry Ombudsman (TIO) Scheme was formulated after “it was found that there was no clear model or precedent anywhere in the world in the area of telecom” for setting up an independent ombudsman (Home page of TIO). This TIO Scheme was the first in the world to be mandated by legislation, where the scheme was separated from the process of Government and where the Telecom Industry would both “fund and develop it”. The scheme itself was developed by the telephone carriers in consultation with a broad range of consumer and community groups. The TIO scheme was established on 1<sup>st</sup> December, 1993, “as an independent office of last resort, to enable complaints and disputes between consumers of telecommunication services and licensed carriers to be settled by mediation or

arbitration” (TIO review paper). In 1997, it was mandated through legislation that all telecommunication and internet service providers would be required to join the scheme. In 1999, provisions relating to TIO were placed in a new act, viz., “The Telecommunication (Consumer Protection and Service Standards) Act, 1999”. It now requires each carrier and eligible carriage service providers, to be members of the TIO scheme.

4.3 The TIO is a company with a tripartite structure of Board, Council and Ombudsman. The Board consists of 8 Directors, seven being appointed by the service providers (including one by the ISPs) and an independent Director appointed by the Board. The Council consists of equal number of representatives of members of the scheme and of public interest and user groups, presided over by an independent Chairman appointed by the Board in consultation with the Council and the concerned federal ministers. The Ombudsman is appointed on the recommendation of the Council.

4.4 In essence TIO is an Alternative Dispute Resolution Scheme (ADR) sponsored and funded by the industry. Thus the TIO members had to recognize that paying for the cost of complaints to an independent Ombudsman was part of a commitment to improve customer services. The TIO uses a four-tier complaints classification Scheme, starting at Level 1 through amicable resolution informally (within 2 weeks) with the service provider concerned, to level 4 when a formal determination is to be made by the Ombudsman. The average time to resolve Level 2/Level 3 complaint ranges from 61 to 88 days, while that for Level 4 from 104 to 146 days. It is interesting to note that TIO handled about 79,000 complaints in 2004-05.

4.5 In U.K. under the Communication Act (Section 54) telephone and internet service providers are required to provide an independent ADR procedure. These procedures must be approved by the regulator (Ofcom) in consultation with the Department of Trade and Industry. The office of Telecom Ombudsman (Otelco) was set up in 2003 and a free, independent ombudsman service to resolve disputes between consumers & telephone/internet service providers and has been approved by Ofcom as an independent ADR scheme that meets the statutory requirement. It is managed by a Council, independent of the regulator and the communication industry. The Council appoints the Ombudsman and is funded by its member companies. Another approved ADR scheme is the Communication & Internet Services Adjudication Services (CISAS) available to customers of providers not covered by the Otelco Scheme. The Scheme is free to consumers and the process is generally completed in 6 weeks. The complainant must first use internal process of the service providers to get redressal and his annual spend on telecom should be less than Pounds 500. In Switzerland also there is an Ombudsman for the telecom sector formed by telecom operators & consumer organizations.

4.6 In the Consultation Paper on Review of QOS, 2005, TRAI has referred to the Malaysian Communication & Multi media Commission, which regulates the performance of Application Service Providers by setting QOS and has penal powers for non-compliance both for imposing fines and imprisonment. In Singapore, the regulator (iDA) has a similar role and has power to impose fines. Even Ofcom (UK) has powers to

penalize telecom providers for failure to comply with conditions for complaint handling and dispute resolution.

## 5. Approach for dealing with Consumer Grievances

5.1 Consumer Grievances generally arise out of issues that are normatively prescribed by the regulatory authorities for ensuring Quality of Services. TRAI has prescribed comprehensive QOS standards. For dealing with such grievances as also other grievances, TRAI feels that it needs empowerment and for redressal of consumer grievances there is need for appointment of Ombudsman. TRAI has also finalized a common charter in consultation with various NGOs/Consumer Advocacy Groups and Telecom providers which is a voluntary declaration of service provisions to promote the services and, inter alia, acknowledges the rights for redressal of complaints. All the service providers agreed to arrange “human interface with responsible company executives whose name and identity are made known to the consumers in addition to arrangements like Customer Care Service through Call Centre”. The TRAI has also put in its web-site the details of these nodal officers. The consumers, on the other hand, find it rather difficult to access these facilities and get prompt and effective redressal. This is the experience of most CAGs. TRAI has also noted in its consultation paper on the Redressal of Consumer Grievances and Consumer Protection in Telecom, that “the present institutional mechanism for handling consumer complaints is not effective enough.

5.2 It also appears that a draft scheme for establishment of the Telecom Sector Ombudsman (TSO) by a General Body of the Telecom Council had been proposed for dealing with Consumer grievances. The General Body of the Telecom Council was to consist only of representatives of Service providers with no representation from CAGs or even independent experts. This would be at total variance with the U.K./Australian models. Even this draft scheme does not seem to have been adopted by the service providers. On the other hand while the response of the CAGs to the TRAI consultation paper on establishment of a Telecom Ombudsman was very positive, the service providers were not at all convinced about the need for another institution like that of an Ombudsman in the telecom sector since they felt that competition would ensure quality of service and provide due care of the customers. It is, however, interesting to find that TRAI had not favoured enactment of a statute for constituting the office of Ombudsman but had recommended that the Department of Telecom should do so by amending the licenses and/or with concurrence of the operator because Ombudsman was being proposed “as an internal arrangement in the Sector, where complaints could be handled in the form of an arbitration”. However, the Department of Telecom has not responded positively so far to the proposal.

## 6. Consumer Grievances in the Telecom Sector & proposed institutional Mechanism for redressal of such grievances.

6.1 The National Consumer Helpline (NCH) project has recorded 47,320 calls between March 2005 to January 2006. Twenty per cent of these calls pertained to the Telecom sector. This was next highest to 21% calls received for product defects. The frequently Occurring Problems in the Telecom Sector relate to the following:

- (a) Inflated Bills/Overcharging
- (b) Payments made, still not activated/phone is not working
- (c) Network coverage.

It has been the assessment of NCH that a sizeable number of consumer complaints still remain unresolved.

6.2 It is quite obvious that all the initiatives of the Department of Telecom & TRAI for redressal of consumer grievances have largely left it to the Service Providers to deal with the matter. The DOT mandate for setting up call centers and appellate authority within the company, and the Telephone *Adalats* convened by the Public Sector Telephone Companies, TRAI's efforts for evolving a common charter and a system of nodal officers to provide human interface are all efforts for instituting voluntary grievances redressal systems for the service providers. These have not proved to be adequate. TRAI has now initiated a process of consultation for evolving "a well defined institutional mechanism" for handling consumer complaints and ensuring speedy and effective resolution.

6.3 The proposed institutional mechanism for Redressal of Consumer Grievances incorporated in the Consultation Paper of TRAI dated 3<sup>rd</sup> January, 2007 attempts to formalize some of the steps initiated by TRAI and DOT on the subject of Redressal of Consumer Grievances. It is a timely initiative to deal with a topical issue which affects a large number of subscribers, growing exponentially with the accelerated increase of the subscriber base.

6.4 The technical parameters of prescribed Quality of Service are often not fulfilled on the plea of network congestion or inadequate points of inter-connect. The plea of inadequacy of spectrum availability is often given for network congestion. It would be useful to undertake a study to ascertain whether adequate investments have been made to increase cell sites to fully utilize the allocated spectrum more effectively & optimally. If it is proved that required measures for network improvement have been taken and the spectrum allocated has been optimally utilized then surely the operator should not augment subscribers until additional spectrum is made available, since it would not provide adequate network access to the new subscribers but on the other hand would enhance network congestion. At present, network congestion is one of the main maladies leading to network being busy/calls getting disconnected (call dropping) or wrong connection.

6.5 The proposed mechanism is hierarchical, starting from call centers through nodal officer to appellate authorities. The time schedules at each level could be further compressed depending on the nature of complaints. Since the call centers are at the base of this hierarchical system, it should be in a position to furnish all details to the subscriber regarding procedures and the location of the nodal offices/appellate authorities. All the relevant information relating to the redressal mechanism should also be available on the web-site of the service provider. This web-site should also be able to track the status of each complaint based on its docket/registration number. The decision at each stage should also be put up on the web-site. The proposed regulation could suitably incorporate these features.

6.6 There are issues relating to financial compensation for non-compliance of QOS parameters. The possibility of monetary quantification of such failure could be explored and suitably incorporated in the Regulation.

6.7 Another aspect which could be examined is the possibility of establishing linkage with some of the ISO standards. As is well known ISO standards set benchmarks for organisations in specific areas. Apart from our national standard IS:15700, three ISO standards would be relevant for dealing with telephone customers – ISO 10001 which provides guidelines on Codes of Conduct for customer satisfaction. Such Codes, in setting out what customers can expect from the organization and its services, can decrease the likelihood of problems arising and can minimize causes of complaints and disputes. Therefore, in case complaints do arise, the existence and acceptance of codes of conduct can assist the parties in understanding customer expectations and the organisation's attempt to meet these expectations. 'Some of the features of ISO 10001 could be examined in the context of drafting the Manual of Practice proposed in the draft Regulation. ISO 10002 contains guidance on the internal handling system of customer complaints. ISO 10003 provides guidance when complaints are not resolved internally and needs Alternative Dispute Resolution Schemes like (a) "Facilitative Methods" like mediation or conciliation, (b) "Advisory Methods" like non-binding arbitration, and (c) "Determinative methods" like "conditionally" binding arbitration or evaluation. IS 15700 deals with Quality Management System- Requirement for service quality by Public Service Organisations. It would be useful if TRAI could examine in what manner the essential features of these four IS/ ISO standards could be incorporated in the proposed regulations so that a fully integrated grievance redressal system with linkages to Quality of Service, Common Charter etc. could be formulated. It would also be useful if TRAI could incorporate a suitable system of audit about implementation, and efficacy of the system, adopted by each service provider required to adopt such systems. TRAI could further consider as to whether the concept of "Telephone *Adalat*" adopted by the Public Sector PSUs could be incorporated at an intermediate stage of handling of complaints by Nodal officers and the Appellate Authority so as to reduce the load of the Appellate Authority.

6.8 The main shortcoming of the proposed system of redressal of grievances is the lack of an enforcement mechanism. What happens if a Service Provider refuses to implement such a system or worse still, implements it in an ineffective manner so that the subscriber is left totally unsatisfied. Of course, it could be stated that TRAI has no penal powers and hence no action can be taken. However, as has been earlier stated in paragraphs 2 & 3, the scheme of the existing legislation is such that there are different players performing different roles. The Apex body is TDSAT, which can decide disputes between a service provider and a group of consumers. The Regulator, inter alia, can issue directives/regulations/orders to protect the interests of subscribers and also ensure quality of services. If a service provider fails to abide by these directions, TRAI has three alternatives:

- (a) Formally report to the licensor for taking action under the licensing agreement.
- (b) File a complaint under Section 34 read with Section 29 of the Act,
- (c) To assist a group of consumers to take the matter to TDSAT as some sort of a class action'

None of the above options have been seriously explored and could be suitably incorporated in the proposed regulations.

6.9 A view could be taken that any hasty action could retard the progress and growth of the sector which is still at a formative stage with large uncovered and under covered areas. A view could also be taken that the time has come to send a signal to the service providers that customers' interests cannot be ignored. Obviously, exemplary action should be taken only on a major issue on a selective basis so as to send a message to the industry that while growth should be encouraged, quality cannot be compromised. These avenues should be fully explored before making any statutory change. Setting up a parallel system of Alternative Dispute Resolution either through Ombudsman, as suggested by the Regulator or by appointing independent adjudicators, or giving penal powers to TRAI may not necessarily meet the objectives of protecting consumer interests. All these options could certainly be explored once the existing provisions are fully utilized and do not deliver the desired results. It would not be wise to pre-judge the efficacy of these existing provisions.

## 7. Support for CAGs.

7.1 Empowerment of consumers is an important issue for ensuring a level playing field between the consumers and the service providers. An individual subscriber/consumer would find it very difficult to successfully resolve his dispute or get his grievance redressed unless he is resourceful in mobilizing financial and legal support. Of course, if the institutional mechanisms are user friendly, the effort of individual subscriber becomes simpler. It would also be difficult to provide financial/legal support to individual complainants. However, it should be possible to support CAG's of repute who have been duly registered by TRAI. One option would be for TRAI to have in-house technical experts to provide technical inputs to CAGs in matters relating to consumer interests and grievances. Such experts could be engaged as consultants and the costs being funded by TRAI from the resources that have accrued to TRAI. It may be difficult for TRAI to provide funds to enable individual CAGs to employ technical consultants of repute.

7.2 The legal expertise would be more for cases involving substantial issues and affecting the large group of consumers. These cases would normally have to be contested before TDSAT. In such instances TRAI could consider requests for funding for contesting the matter before TDSAT, especially if TRAI also feels that it involves a substantial violation of any of its own directions, orders or regulations.

7.3 The third area would be to provide empowerment through creation of awareness among consumers and CAGs. This could be done by holding periodically interactions through seminars, workshops and conferences. CAGs could also be provided financial support to carry out specific surveys of common interest to TRAI and consumers in general. This would enable the CAGs to develop expertise.

7.4 Above all a forum could be set up under the aegis of TRAI at the national level where the service providers and the CAGs could meet periodically to discuss issues of interest to consumers. Such a forum would help to bring about a better mutual

understanding and convert areas of conflict into cooperation leading to mutually acceptable solutions. Meetings of such a forum should be properly structured with a clear agenda. Areas of agreement should be duly recorded and implemented. At the regional/circle level such interactions could be effected through open house sessions which all service providers should be encouraged to hold periodically. All unresolved issues at such Open Houses could be taken up at the level of the national forum.

## 8. Conclusions:

It is quite apparent that TRAI has taken a number of steps to protect the interests of the consumers. However, these have not yielded the desired results because it was believed that the existing statutory provisions were such that one of the main objectives of the Act as enunciated in the preamble viz. “to protect the interests of.... Consumers” could not be effectively implemented although the Regulator had the mandate to “ensure the quality of service”. Adequate efforts do not seem to have been made to use the existing provisions of the Act to enforce the directives/orders/regulations issued by the Regulator. Even the provision relating to adjudication of dispute between a service provider and a group of consumers have not been effectively availed. If the surveys conducted by TRAI indicated that its Regulations regarding Quality of Service were not being adhered to by many service providers and that consequent enforcement would lead to a dispute which could fall within the ambit of Section 14(b) then the matter could have been adjudicated before TDSAT or recourse could have been taken under Section 34 or reported to Department of Telecom for taking action as a breach of licensing condition. Even for implementation of the proposed institutional mechanism for the redressal of consumer grievances, the existing penal provision would have to be utilized for enforcement otherwise it may not yield the expected results. The case for statutory amendment for giving penal powers to TRAI could be strong if the existing powers had been fully utilized and found to be wanting. Even if such penal powers were given to TRAI, a parallel decentralized mechanism would have to be set up for the whole country with no guarantee that it would give better satisfaction to the consumers than the existing redressal mechanism.

8.1 The proposed institutional mechanism is well conceived and integrates several of the initiatives taken by the Regulator and the Department of Telecom. Some of the issues raised in paras 6.4 to 6.7 could be considered and suitably incorporated.

8.2 Empowerment of consumers and CAG’s is essential for protection of consumer interests. This could be done by providing financial, legal & technical support as mentioned in Para 7. A forum for regular interaction of the CAGs and the service providers would go a long way in resolving some of the contentious issues.

### **Appendix B**

1. Name and address of service provider.
2. The Name, Address, Telephone number, Facsimile number and the e-mail address of the SUBSCRIBER.
3. Telephone Number/ Mobile Number/ Broadband Connection Identity, for which complaint is made.
4. Nature of Complaint.
5. The name of the city / district of the origin of complaint

6. The name of the State or Service Area.
7. The complaint registration number with call centre and the date of lodging.
8. The complaint registration number of the Nodal Officer and date of lodging the complaint with the Nodal Office
9. Date of decision of the Nodal Officer and decision conveyed, if any.
10. Registration Number of the appeal and date filed.
11. The outcome of the appeal and number of days taken to decide.

**CREAT:**

We find that the entire Draft Regulations is based on the assumption that the Service providers will adhere to the QOS as prescribed in Schedule and the benchmarks specified by TRAI. It may be noted that these QOS and benchmarks will never be followed unless it is tagged to a monetary compensation. The experience of Citizens Charters without any monetary compensation is a case in the point.

The Electricity Act 2003 provides for Standards of Performance to be specified by the State Regulatory Commissions. In case these Standards are not adhered to by the Licensees, consumers will automatically get monetary compensation by way of adjustment in the next bill. In case the Licensee has not adhered to the SOP the consumer has to lodge a complaint and claim the compensation.

We suggest that the Draft Regulation should include a table specifying the service and a fixed amount to be paid as compensation/penalty to the customer if the time specified in the benchmark is not followed/adhered to.

The Draft Regulation should also include a clause stating that if the service provider fails to adhere to the benchmark the fixed sum is to be adjusted in the immediate bill. If this is not done, the customer can approach the Nodal Officer and the AA further.

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*The above are the suggestions of the following consumer groups of Karnataka*

Consumer Rights, Education & Awareness Trust (CREAT) Bangalore

Balakedarara Hitharakshaka Sangha, Sirsi

Consumers Forum, Sagar

Mahila Balakedarara Vedike, Davanagere

Environment and Consumer Protection Group, Haveri

Magadi Taluk Consumer Forum, Magadi (Bangalore Rural District)

Nagarika Vedike, Hospet, Bellary District

Chiguru, Magadi (Bangalore Rural District)

Sadhana Sampanmoola Kendra, Maddur (Mandya District)

Pragna Samithi, Gulbarga

Pragna Samithi, Mysore

Consumer Awareness and Education Foundation, Tumkur

Consumers Forum, Ellapura, Uttara Kannada District

**Palakkad District Consumers' Association :**

**(PA. Surendran , (Consumer Advocacy Group Member ,TRAI))**

In Chapter 1 Section 2 ,subsection h , “ consumer “ : There is a need for adding the existing regulation as “ Any NGO registered under societies Registration Act ,1860(21 of 1860) or Companies Act 1956 (1of 1956) functioning more than three years to protect the interest of the consumers ..” This will provide legal existence for the NGO's / the Consumer Associations on behalf of the subscriber before the Nodal officer/ the Appellate authority.

2) There is no compensation provided to the customers in the draft regulations.. I request the authority to make a provision for a suitable compensation for the aggrieved consumers at Appellate authority only at level , if any complaints reaches. If deficiency of service is proven there must be a price for it. This provision will make energetic at each Nodal officers as well as their service.

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

VOICE thanks the authority for this most pro-active step towards consumer protection as we have been pleading for MANDATING COMPLAINT REDRESSAL MECHANISM for the last eight years. We are confident that this mechanism will reduce number of complaints and increase CUSTOMER SATISFACTION.

**A boon to service providers who will be forced to accept the importance of CRM- Customer Relation Management.**

2. The service industry, BANKING, INSURANCE and ELECTRICITY , have three tier approach to resolve consumer grievances:

- A] Tier 1 [ Company Level]
- B] Tier 2 [Ombudsman ]
- C] Tier 3 [ Consumer Forum]

3. In case of Telecom services, consumer from tier 1 is advised to approach Consumer Courts directly. EVEN TIER 1 is not SATISFACTORY. NODAL officer, being the human face of the service provider, should be so located as to be easily available PHYSICALLY.

4. A subscriber has a simple complaint. When this is not addressed, it becomes a Grievance . When not resolved , grievance becomes an irritant ie DISPUTE. Redressal mechanism must strive to prevent this.

5. Company official as Appellate Authority / Telecom Adalat sounds legacy of feudal system . He may be designated as Senior Complaint Redressal Director. But this does not negate the need for Creation of Telecom Ombudsman . UNCLAIMED FUNDS available with service providers must be utilised for the purpose in initial stage, to be funded by service providers later.

6. Mobile subscribers number far exceeds that of fixed line subscribers. And 90% of mobile subscribers are PRE\_PAID subscribers. In fact they form 70% to 80% of

telephone subscribers.- BREAD WINNERS FOR THE INDUSTRY.. Hence the contact details of CALL CENTRE, Nodal officer and Appellate Authority need be published in local ENGLISH, Hindi and Vernacular news papers at regular interval of ONE month and HANDOUT at selling outlets [ source for sale of recharge coupons ] to ensure that the mechanism is effective and fruitful.

7. In the proposed mechanism, the regulator is in STAND ALONE mode. Our experience about SELF REGULATION and SELF MONITORING by the service providers has been most dissatisfactory. Survey / monitoring by an independent agency under the aegis of TRAI had no effect on Quality of Service in absence of adequate powers . The report is mostly subjective.

8. Reporting Requirements. We pray that RIEVANCES reduce by 90%. Hence FEED BACK / REPORTING by NODAL OFFICER is necessary. We believe that only one percent grievances should move up from NODAL OFFICER to Appellate Auth. In effective system and for SATISFIED CUSTOMER.

9. For effective mechanism, the regulator must be in loop which can be created , using IT , as done in Australia. Suggested format is at appendix A. This may be achieved by associating NCH [ National consumer helpline], a ministry of consumer affairs outfit.

#### Appendix A

1. Name and address of service provider.
2. The Name, Address, Telephone number, Facsimile number and the e-mail address of the SUBSCRIBER.
3. Telephone Number or Mobile Number or Broadband Connection Identity, for which complaint is made.
4. Nature of Complaint
5. The name of the city / district of the origin of complaint.
6. The name of the State or Service Area.
7. The complaint registration number with call centre. and the date of lodging.
8. The complaint registration number of the Nodal Officer and date of lodging the complaint with the Nodal Officer
9. Date of decision of the Nodal Officer and decision conveyed, if any.
10. Registration Number of the appeal and date filed.:

#### **Bombay Telephone Users' Association**

This entire exercise of laying down regulations does not satisfy the basic need to force compliance by service providers. In spite of available international examples, e.g. OFCOM, where forbidding penalties ensure compliance and reduce the need for ADR, there is complicity by the GOI to provide the loopholes to service providers. This may be an issue related to lack of powers of the regulator but then that question needs to be addressed first before laying down this regulation. There is again, the serious issue of the Alternate Disputes Redressal mechanism that needs to be provided and again is

bypassed for similar reasons. In the absence of both these (enforcement of penalties and ADR), this exercise is, at best, a thin ray of hope for the consumer for the next 10 years that his problem may get solved, or at worst, a way of ensuring to delighted “authorised agents” (legal fraternity) in Consumer Forums assured additional income from the hapless consumers.

### **Comments on the Draft Regulation:**

#### **CHAPTER I**

3 (b) The applicability to only those ISPs with more than 20 crores turnover is designed to permit gravitation of business only to the bigger companies, is biased and discriminatory, both to one section of the companies who may be providing services in different parts of this huge country in niche markets, as also to consumers of smaller companies who would be denied equal protection under law.

2(e) (ii) We receive a number of complaints on broadband speed. There is need to define the nature of testing that can be done up to the point of presence and the agency which is certified to do it. Otherwise it is meaningless when an actual complaint needs to be examined. At this stage, we are compiling information on the network characteristics to understand why the regulator cannot go further to lay down additional specifications for the national ISP network.

#### **CHAPTER II**

2 (b) ....so as to ensure compliance with the Quality of Service benchmarks

We repeat our oft mentioned point that resolution of such benchmark guidelines have no meaning when a complaint is actually received, unless tested on line by an independent agency.

4 (d) Communication must be in writing or through electronic means where available. On telephone will permit service providers to avoid accountability.

5 (1) para 2. The test of QOS cannot be giving the SP opportunities twice over, even after benchmark guidelines are ignored. The progress has to be from the Benchmark guideline straight to the next level i.e. Nodal Officer.

#### **CHAPTER III**

6 (3) Our observations on geographical area and proportionate to connected customers are made elsewhere earlier.

#### **CHAPTER IV**

10 (1) The principle of number of appellate authority proportionate to connected customers in a license area apply here as well.

#### **CHAPTER VI**

21 (1) (m) Comments are made earlier.

21 (3) Should be despatched to all existing subscribers and given to each new subscriber. Let not the Authority be so generously saving money for the SP as they have argued in the past that it would cost a lot of money.

22 The service provider must maintain call records for at least 2 years for this purpose and the pre paid customer must be informed at the time of his taking a connection as

also all existing customers, the existence of this provision. The table of charges for this must be approved by the Authority.

Notwithstanding all the comments herein, we would like to congratulate you and your team for all the efforts put into this exercise.

**Consumers' Forum(R) SAGAR:**

1. We advise the TRAI to go through the regulation on complaint handling procedure and appellate authority issued by Karnataka Electricity Regulatory commission and adopt such provision as it deems fit in its regulation.
2. No services of any kind should be exempted from the ambit of this regulation.
3. a special care must be taken to ensure that local language should be given importance in communication relating to said regulation.

**Hetal Patel 101, Sarda Sankul, M. G. Road, Nasik - 422001 , 9370807080**

**Following is the Issues I want to Focus**

1. Inter Network Congestion Major Network of Mobile are Better Equipped for Call Traffic with its own Network, But When it comes to Inter Operator Call. The Call Drop Ration, Route is Busy Signal, Erratic Calling Experience is Faced by Todays Consumer. The Basic Cause is Heavy Calling Between the Peak Hours like. Evening 6.00 PM to 8.00, If If a Customer want to Call from One Network to other Network in this peak Time. It Become Compulsory to use either SMS Services or Keep on Trying the Phone for Prolonged time to the Call me Get Connected. TRAI Should be Better View on Inter-Operator Bandwidth and Quality of that Links. DOT should come out with Some Better HUB like NIXI so All Call Between the Operator can well Handled ad The weak Point of Link can be Traced out by NIXI type of Agency so the Action can be taken with weak Links.

2. Area Information: It should become Manadory to have PIN Code Based Guide on each operators Website, so Consumer can check that the Operator have the Service to that PIN Code Before taking any Mobile Connection. This Method is widely used in USA, All Website like Verizon, Alltel, Cingular Provide Search Bar on Website to any Consumer can search for any ZIP code and see that the Services available on that ZIP Code, if available what the General Strength of Signal, What the average rate of Services in Percentage. And Last 1 Years Failure Ration on that Pin Code. The New Mobile Connection should have 10 Blank Box where Customer should fill in Preferred PIN Code and he should sign (means he had read / seen the service type in specified Pin Code and he Agree with Data Provided by Website Regarding the Quality / Strength of Signal )

3. CDMA Locked Devices All CDMA Devices which is Not Sold with Any Combo Plan / Service Obligation of Network must be Unlock unit. So CDMA Handset can be Used with all CDMA Operator like BSNL, MTNL, Reliance or TATA, Generally all CDMA Handset available in Country are Networked Locked.

Following is the Remedy for that

1. All Non Service Obligatory Handset should come as RUIM Enabled.

2. If Handset Does not Supports RUIM, Then Other Operator Should Accept ESN of any Phone Which is bought by Consumer.
3. Operator can Insist on Bill of Handset for Registration of Unrecognized Handsets ESN (In case of Non-RUIM Based Handsets)
4. RUIM Given to Customer are GSM Compatible so while in International Roaming he can go into Country where only GSM Network is there.
5. Why the No. 4 Point of Roaming Method can be Used in India. So Person taken X CDMA Connection can take his RUIM and Roam into Y GSM Network using any GSM Handsets.
6. Major CDMA Operator have some Operator Zone Like Reliance Mobile World, Tata Zone., But Major Nokia Handset can be Configured in Multiple Operator Zone  
Nokia Phone Supports (10 Different Profile for This type of Applications) So One Handset Sold in India can be pre configured for Tata, Reliance, BSNL, MTNL and can used by just Inserting RUIM in that Provided by Operator.
7. As Non Service Obligatory Handsets are Property of Consumer he should get right to use it on any Network available.

4. Heavy Charges on Ringtones Major Operator Charges heavily on Ring tones, Video tone, any other Multimedia content., Respected Sir, All ring tone, Video tone and other content which even produced by Director of that Film are also not charging heavily although they have the Copy Rights of the Content, How these Operator can charges Rs. 10 on Single 30 Second Tone which not a Intellectual Property of Operator. The Private Operator Keep on Sending SMS to Insist consumer to Download Ring tones, Video tones, Graphics, MMS Slided so even Accidental Click to the SMS Hyper link can cost Consumer a lot.

5. Charges of Voice Portals All Special Voice Services are Charged Heavily like Multimedia Services. TRAI should have Watch on this type of Services. I not against any VAS Provided by Operator as this keeps Innovations in the Industry. But they should be Charged Moderately.

6. Instable Value Added Service AS Operator should not have right to charge anything for any VAS or Normal Service which is Instable, Erratic. Recently some Operator have Launched Ring back tone but the Services Was not Stable, consumer were Calling the Voice Portal again and again the Selected Tone were not set Perfectly. But consumer have to call again and again to Voice Portal and Made there Bill Heavy. Still the Consumer were not gained any Services Required or Selected.

7. Consumers Consent for any Paid Services Operator should not allowed to Charge any Rent, Charges by Forcing any Services to customer. Operator must have Consent of Consumer of Starting any Service to customer which is going to cost him.

8. ZERO Clip Rental As Roaming Rental is kept nil by TRAI. One more thing which is being Ignore is CLIP Charges. CLIP charges / Rental are also Levied to the Customer. But Still Operator make this Services Mandatory. If this Services is being Charged for Rental of any Charges then Customer should have right to Stop the Services and save some Cost. The Service should not be mandatory. One more Better Suggestion to make this Service Rent free

(All This view are Personal, These are the Comments as per the Open Consultation Paper of TRAI 01/2007, 03-01-2007)

**M D Maheshwari Mumbai:**

I would like to make following points for consideration:

1. Call centres are like "Black Holes" where one gets lost. Even for standard queries, more than once, I got 3-4 different answers at different times from Airtel call centre, indicating the state of affair. One must have nerves of steel to withstand the whole process repeatedly facing disconnections while talking to call centres, hearing music, statement on customer importance, virtue of patience, some promotional tapes and often the arrogance of staff. The staff is programmed to say that they are unaware of who customer should approach if one is dissatisfied with their answers. A non standard query makes a perfect Black Hole.

Recently, I was in Guwahati and my phone with Airtel connection was dead for one full day. It came alive partially the next day, yet I could not access call centre. When I took up the matter after returning to Mumbai, the "Customer Executive" was appalled with disbelief ! I was indirectly told that possibly I did not know how to set my phone while roaming !

Often they make one suffer from "Donkey Syndrome".

Go to service centres of these service providers and one finds oneself in a situation akin to flies in the fish market. There are no systems, not enough space etc. It requires might and ill manners to get the work done.

There is complete lack of sensitivity and respect on the part of service providers. Any system must first bring this sense and attitude.

2. We, in India, also know how to defeat a system. I made several attempts (e-mails and calls) to approach Airtel Nodal officer, but failed or got no response. I also approached the next level called CEO-Direct (may be equivalent of Appellate Authority) more than twice, but there is complete silence. This is in response to my long pending request to stop UCC which continue unabated. What do I do now ? Go to consumer court! Couple this with large volume of complaints and this will only lead to a situation like that in other courts where justice is delayed and in some cases awarded posthumously with meager fines. Court orders are not implemented for which one has to knock the doors of justice once again ! Cases are dragged with full might and cunning by companies to teach a lesson to consumer who has to fight it alone. This leads to a situation where large number of consumers adopt "Hands Up" approach, "What can I do alone" and "nothing will come out of it" and ridicule those who fight.

Any system has to take this reality into account and not forget the history only to be condemned to repeat it. There has to be a paradigm shift. Why do we in India think that justice should be available only in courts. Solution lies in exemplary nature of stiff penalties running into millions of Rupees, like in UK, serious implementation of

the same quickly by authorities concerned which must pinch service providers in their bottom line, jail term for very senior person in the organization for repeat offence which will result in attitude change and flow of same down the line. If we want Anderson to be hanged for Union Carbide tragedy why not life term for CEOs whose companies commit sort of monetary fraud on customers. Singapore has become FINE country not for no reason.

And if it is thought that courts are a must, then service providers must be forced to deposit those millions of Rupees before case is filed and dragged indefinitely.

We pay money which ironically is used against us, yet the Government fights shy of giving weightage to demands made by consumers and consumer organizations.

Stiff and quick penalties will also provide justice automatically to the vast majority, which is blissfully unaware and being fleeced silently and has no knowledge of how to approach nodal officer etc. and resources to fight case in consumer court. Can we ignore them because they are poor or uneducated etc.

3. I also do not agree as to why customer has to pay getting "usage detail". It is not value added service. The service providers want to discourage it by putting a charge on it as it will only expose their wrong doings. As it is, talk time available on a prepaid connection is considerably reduced as compared to money charged. This is also another typical way in which revenue is generated to meet targets by fleecing consumers.

4. Many service providers who in initial stages talked vehemently against the monopoly of govt. organizations now have acquired the same or worse attitude and oppose measures which are pro customer, tooth and nail, e.g., number portability. TRAI must arrest this trend and frame policies accordingly.

In short I would like to submit that if system put in place is archaic, it would not serve any purpose. It has to be decisive, swift and exemplary and should instill fear of or respect for the law for all concerned. "

**Sujit Chakraborty New Delhi 110019. Mobile: +91-9868125491**

1. As a customer in my individual capacity, I must say that the initial issueing of STBs on demand has been very good and even now, both the setting up of new STBs and responding to calls has been very good from the MSO and CO giving us connectivity in this area. However, part of the reason that I am getting this prompt service could be my profession that gives me direct access to the top people in the MSOs, and I am sure that that this is not enjoyed by common consumers. The reason is that when the signal goes off or there is pixelisation of images, which is fairly frequent, and the Help box comes on screen, there is no telephone number of either the local CO or the MSO concerned. This is not the kind of quality of service that Trai had envisioned.
2. The frequent signal loss and pixelisation has been blamed by the MSO variously as due to loose connections left by untrained boys of the COs; or hand-made

connections, or the STB starting to hang. But whatever the reason, this leaves the customer in the same unpalatable soup.

3. While the MSO says that these are the faults of the CO's boys, the CO actually told me that the STBs initially fitted were three years old and had come in the 2003 batch. In fact, when none of the corrective measures they took worked, they actually gave me a new box with 8 MB RAM, and yet, during the cricket match on Sunday, all of CR Park and adjoining areas were cut off from signal for not less than 20 minutes. The MSO later told me to switch off the machine and restart it, and it worked that way, but this is a rather quackish treatment not expected in hightech machines.
4. Finally, there is one severe problem and that comes from the market's ground realities as they exist: I wanted to opt for another MSO's connection, but they were not operative in our area. This is a form of regional monopoly within the Cas area and deprives the customer, in whose name every thing is being sworn, the actual freedom of choice. This is like having one ration shop in the area where even if the rice is rotten, you have to take it or go hungry. This is not at all free market economy at work. When my MSO is giving me so much trouble, do I have the option to shift to another MSOs whose functioning I could at least try out as an option. Unless this freedom is ensured, unless a directive is issued by Trai against such practices, and allow customers to shift to the CO or MSO of their choice in their area, there will never be genuine customer freedom. I would surely like to see this system ushered in as soon as possible.

**1. Do the proposed institutional mechanism for handling consumer complaints satisfy the requirements of consumers for speedy, effective and inexpensive redressal of complaints?**

**BSNL:**

Yes.

**MTNL:**

Yes sir, MTNL is already having a well established mechanism for dealing with the consumer complaints their redressal for all types of services like PSTN, mobile, Broadband, leased line internet etc provided by MTNL.

**RELIANCE COMMUNICATIONS LTD:**

The existing institutional mechanism for handling consumer complaints comprises of :

- (i) Toll free Call Centre
- (ii) Nodal officers as a human interface for redressal of consumer complaints
- (iii) Appellate authority

besides the specific mechanisms instituted by the Company at headquarter level as highlighted above, which serve to address the grievances of customers. In case the subscriber is not satisfied with the resolution provided, he/she approaches TRAI, DoT, District forums, State Consumer Disputes Redressal Commission or National Consumer

Redressal Commission for resolution of complaints. The industry, of its own effort, is also setting up a telecom ombudsman to provide another forum for redressal of consumer grievances. Due to existence of these various options and those highlighted in the preface, we believe there is no need for any regulation to be mandated by the Authority on consumer redressal.

### **VSNL**

The proposed mechanism will definitely help in improving the handling of customer complaints resulting in improved service and customer experience and would be in line with consumer's requirements for speedy, effective and inexpensive redressal of complaints.

### **TATA Teleservices Ltd:**

We are of the view that the present framework of handling consumer complaints in TTSL/TTML is very sound and effective. Today's consumer is very well aware about presence of consumer courts. The Government of India in 1986, after a detailed deliberation with stakeholders, notified this very unique Act in which first time in India an easy access to all set of consumers has been specified by creation of consumer courts at District Level, State Level and National Level. The composition of members in these courts has also been done in a very transparent manner viz; by selecting one member from among the persons from Society and one female member compulsorily in the bench. The success story of these consumer courts is widely known to every one. Having regard to the fact that with no complaint filing fee, no necessity to engage a lawyer and speedy decision by these consumer courts, a similar mechanism having appellate authority within the company leads to dual mechanisms i.e. Consumer courts vis-à-vis nodal officer / appellate authority for resolution of complaints. Presently as per our own internal policy and pursuant to directions of the Licensor, a well defined and transparent framework for resolution of customer complaints do exist. Now the proposed mechanism is repetitive in nature and marching towards the same framework.

To sum up, we are of the opinion that at present FOUR mechanisms for redressal of consumer grievances exists in telecom sector, leave aside the mechanism proposed in the instant consultation paper, namely : (1) Consumer Courts under Consumer Protection Act, 1986 (2) TDSAT under TRAI Act 2000 wherein a group of consumers can file complaints (3) TRAI is also handling consumer complaints since its inception by forwarding the complaints to service providers, and (4) the Service Providers own mechanism having designated Nodal Officers in each service area for handling consumer complaints. Looking to these existing mechanisms, the proposals & draft regulation made in the instant consultation paper is just duplicity of work and methodology. In fact, there appears no necessity of having an independent regulation especially in view of the fact that a duly notified full fledged legislation for handling consumers complaints i.e. Consumer Protection Act 1986 exist in the country.

### **SIFY LTD:**

The Authority has correctly envisaged the need for establishing and monitoring Quality of service parameters with the overall intention of assuring better service delivery levels to the end user. QoS for various services has been enforced by different quality of service regulations that has been drafted and enforced by your good office. The following is a list of QoS regulations targeted at different service providers:

1. Regulation on quality of service of basic and cellular mobile telephone services, that was announced on 1<sup>st</sup> July 2005, and
2. Regulation on quality of service standards for broadband service, that was announced on 6<sup>th</sup> October, 2006

It is pertinent to mention that while formulating the regulations, the Authority had realized that different parameters need to be monitored for different services and these parameters will have different threshold levels. Likewise, we feel a single regulation specifying the consumer grievance mechanism for all the services may not be appropriate. All service providers have deployed some kind of infrastructure to register and address consumer grievances based on their business models, geographic spread and financial strength. Though currently there is no regulation that stipulates a concrete framework for registration and handling of consumer grievances, almost all service providers have some mechanism in place for doing so.

The proposed 3 tier framework that has been proposed by TRAI in the instant consultation paper is definitely an improvement over the existing one. However, we feel that some points need further clarification before this model can be applied to ISPs. We will raise these points in the subsequent questions.

**COAI:**

- a. We **support the initiative of the Authority** to evolve a mechanism for handling consumer grievances in a speedy and effective manner.
- b. As the Authority has rightly pointed out, the **mechanism being proposed** by the Authority **is already in existence** and each service provider has, at the behest of the Authority as well as the DoT, set up a 3-tiered redressal mechanism at the levels of call centre, nodal officer and an internal appellate officer to deal with individual consumer grievances.
- c. Further, the **Authority has also issued several QOS Regulations** and also **various directions in consumer interest**, which are **being complied with** by the respective service providers.
- d. We however **appreciate the objective of the Authority** to make the above existing **mechanism more transparent, accessible and effective**. In this context, we **support the proposal** of the Authority that **each service provider will publish a Manual of Practice** which will meet these above objectives of the Authority and ensure that consumers are adequately aware of the redressal mechanism of their service provider, where to register their complaints, the timelines within which the complaint would be redressed and the escalation mechanism available at each level.
- e. It is submitted that **COAI in close coordination with other industry associations will undertake to draft a common industry Manual of Practice** that will address the objectives of the Authority and the concerns of the consumers. Needless to say, the Manual of Practice would have to be **approved by the Authority**.

- f. We however believe that the **above efforts of the industry** must be **implemented in a self regulatory manner** and **should not be mandated through** the introduction of a **Regulation**.
- g. Further as the Authority may be aware, the **COAI is already in an advanced stage for implementing the scheme** for setting up / **establishing a Telecom Sector Ombudsman (TSO)** which was initiated at the behest of the Authority some months ago.
- h. We note that the **scheme for the Appellate authority** as is **being proposed by the Authority** in its consultation paper is **almost identical to the TSO scheme soon** being introduced by COAI. It is **our submission that the internal appellate body** of the service provider **should be re-designated as Presiding Officer** and should **operate in line with the provisions** laid down in the **Manual of Practice** drafted by COAI and other industry associations on behalf of their members.
- i. In addition to the above, **the scheme of TSO** as finalized by COAI is expected to **be implemented at an early date** and will **address the grievances** of subscribers in an **independent, simple, objective, transparent, expeditious and cost effective manner**. We believe that the industry TSO scheme will enjoy better confidence of the consumers for fairness and independence of the redressal of consumer grievances.

#### **AUSPI:**

The institutional mechanism for redressal of consumer grievance already exists in the following manner:

- Redressal mechanism through Call centre as per directive of the licensor and as mentioned in the Common Charter of Telecom Service which was jointly agreed between Consumer Advocacy Groups and service providers.
- A Nodal Officer, as a human interface in addition to the customer complaint redressal through call centres in the service area.
- One or more appellate authority (one person only) in the licensed service area.

The above mechanism which has already been implemented by service providers has been quite adequate for speedy, effective and inexpensive redressal of customer complaints. There does not seem to be need for any further enhancement or more diversification than what has been presently implemented.

#### **TUG - Telecom Users Group**

Yes, Need no comments.

**National Consumer Helpline, Core Center & Voice:**

Presently , main complaint of consumer is “ Where should I go? as call centres and IVRS [ inter active voice response system ] are ineffective and lack human face. Please refer to INDIA TV LIVE PROGRAMME- “INDIA BOLE “ from 0001 hrs to 0300hrs on 04 Nov 06 on “Mobile ki mussibat.” [Recording of the programme is enclosed]..

The mechanism is a GREAT LEAP forward towards complaint redressal and we support it whole heartedly. It may prove to be a \_boon to service providers who will be forced to accept the importance of CRM- Customer Relation Management.

**CREAT:**

We agree that the proposed institutional mechanism for handling consumer complaints satisfy consumer requirements. However TRAI should be the Apex forum to decide matters not settled by the Appellate Authority.

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

Presently , main complaint of consumer is “ Where should he go? as call centres and IVRS [ inter active voice response system ]are ineffective and lack human face. Please refer to INDIA TV LIVE PROGRAMME- “INDIA BOLE “ from 0001 hrs to 0300hrs on 04 Nov 06 on “Mobile ki mussibat.” [ CD is available with INDIA TV and VOICE]. In this program the consumers had raised the following issues:

- Nodal officers are not responding
- Service Engineers are incompetent to solve the problems
- No improvement
- Network problems
- Theft cases
- Bill plan changed without consent of consumers
- Harassment cases of consumers
- Number portability

The mechanism is a GREAT LEAP forward towards complaint redressal.  
{ Also read comments in letter }

A boon to service providers who will be forced to accept the importance of CRM- Customer Relation Management.

**Palakkad District Consumers’ Association :**

**(PA. Surendran ,(Consumer Advocacy Group Member ,TRAI))**

Yes. We believe that it is inexpensive and effective.

**Bombay Telephone Users’ Association**

It is a little comic to suggest that in case a service provider fails to comply with the benchmarks for the parameters within the time limit specified in the regulations, every complaint shall be redressed within 3 days. (para 2, page 24). How helpless can TRAI

be made to look? The time limits appear reasonable for speedy and inexpensive redressal but whether effective is debatable.

**2. Do you agree with the proposals given in the Consultation Paper with regard to the procedure and time limit suggested for the Call Centre? Please give your suggestions along with reasons thereof.**

**BSNL:**

Yes we agree but the issue of centralized or decentralized Call Center should be left up to the service providers to decide based on economy in operations. The subscribers are not expected to visit the Call Center in person and hence the location of Call Center, whether within or outside the LSA, should not matter.

**MTNL:**

MTNL is already having call center for various types of product and services as mentioned as 1 above.

**RELIANCE COMMUNICATIONS LTD:**

We are already providing redressal of customer complaints through our call centre by:

- a) Providing docket number while registering service request and complaints.
- b) Recording necessary information relating to the complaint.
- c) Communicating the resolution to the customer through out calling/SMS within the stipulated time period.

We ensure that complaints reported at the call center are redressed within the time limit as specified for the respective parameter and its benchmark in the regulations on QoS for Basic and Cellular Mobile Telephone Service, 2005 (11 of 2005) and the QoS of Broadband Service, 2006 (11 of 2006). In case where no parameters/benchmark is specified in any regulation, the time taken for complaint redressal would depend on the nature of complaint. Although it is imperative that the consumer complaint is redressed in the shortest possible timeframe, we believe that no time limit should be specified where no QoS parameters have been laid down. Instead, SLAs can be recommended by TRAI on percentage basis as provided in the QoS regulations.

**VSNL**

There is an important distinction between the Broadband services and the other Access services with respect to the services being offered. Whereas ISPs offer mostly data-centric and non-voice services, the Access services providers offer pre-dominantly voice services.

It would therefore be in the fitness of the things that the call center for the Broadband services should be mandated to operate through other electronic means such as e-mail with all other parameters regarding grievance handling matching with the telephone based call centers for the voice services. In case, a Broadband customer is not able to access the call center by the electronic means, there would be local customer care numbers provided by the ISP across the country for all its consumers as an alternative call center mechanism having an identical functionality and responsibilities as mandated for the other voice based call centers.

This is being suggested because while toll free number may be practical and cost-effective for Cellular operators and wireline operators, for internet service providers like us, this will not be a practical proposition because of higher overheads/costs, practical difficulties and multi-tasking nature of the call centers including handling service requests, enquiries etc.

It is also suggested that for Broadband services being provided by Internet service providers, multiple language skills may not be necessary. A typical Internet user in the country has basic knowledge of English and Hindi, and should be good enough for a vast majority of the customers

**TATA Teleservices Ltd:**

The concept of Customer Care centre (Call Centre) already exists with us. TRAI's direction for allotting Docket Numbers on complaints already in existence, besides quality of service benchmarks are also being abided by us. The framework for industry ombudsman is already in way. We do not think that a separate regulation (as proposed in the consultation paper) is required to override existing directions and QOS regulations.

The service provider's first and foremost concern is to serve its customers to best of their satisfaction. We at TTSL/TTML, in our mission to empower every Indian to connect with the world affordably always strive to render all fairness through meritocracy and trust based accountability to our esteemed customers. While our customer care centre puts in its best efforts to resolve the complaint of the customer instantly, there is no necessity to specify a defined time limit (i.e. 3 days) as suggested in the consultation paper. In general, almost all customer complaints are redressed instantly by our customer care executives, however, in some of the cases it takes some time for the reason beyond reach such as "non –revert of customer on information asked for" etc.

The complaints reported at the call center are redressed within the time limit as specified for the respective parameter and its benchmark in the regulations on QOS for basic and Cellular Mobile Telephone Service, 2005 (11 of 2005) and the QOS of Broadband Service, 2006 (11 of 2006). Naturally consumers who subscribe to a service expect redressal of their complaints expeditiously.

It is submitted that in cases where no parameter/ benchmark is specified in any regulation, the SLA for complaint redressal would vary and depend on the nature of the complaint.

*Although it imperative that service providers are to redress complaints from consumers for any deficient service, we are of the view that the Authority's proposed regulation on redressal of consumer grievances and consumer protection in telecommunications should be based only on the present QOS regulations.*

**SIFY LTD:**

Call centers being the first point of contact, acts as the most important interface between the consumer and the service provider. Fully appreciating this, we have deployed a comprehensive call centre set up as described above in this response. We have already taken expeditious steps so that the call centers perform as per the benchmarks prescribed in the Quality of service of Broadband service regulation, 2006. The time frame specified in the proposed regulation seems appropriate and justified. Having said that, we would also like to point out that being non-facility based operators,

we lease voice circuits from other licensed service providers such as BSO, UASL, CMTS etc. and also affirm that voice circuits are leased in sufficient capacity to enable our subscribers reach our call center without any delays. However, the regulation does not have any provision to take in to account, instances or incidences that are beyond the control of an ISP. Such incidents as natural calamities, war or even a major power outage may disrupt the voice circuits that we lease from other service providers, something on which we do not have any control.

We feel appropriate clause needs to be included in the proposed Regulation so that such incidences or instances may be taken into account and the ISP is not penalized for such unforeseen events.

**COAI:**

We would **like to address this issue in the Manual of Practice** that is proposed to be drafted on behalf of the entire industry, which would also be approved by the Authority.

**AUSPI:**

Our member service providers always ensure that complaints reported at the call center are redressed within the time limit as specified for the respective parameter and its benchmark in the regulations on QOS for basic and Cellular Mobile Telephone Service, 2005 (11 of 2005) and the QOS of Broadband Service, 2006 (11 of 2006). Naturally consumers who subscribe to a service expect redressal of their complaints expeditiously.

However, we have reservations in the following two proposals of TRAI.

- (i) To redress complaints within three days from the date of registration of the complaint in cases where no such parameter or time limit relating to the faults or disruption of service has been specified in the present QOS regulations for basic / Cellular Mobile service and broadband service;
- (ii) To redress complaints within seven days from the date of registration of complaint, in cases where no parameter in any regulations made under the Act for redressal of complaints is specified.

Although it is imperative that service providers are to redress complaints of consumers for deficiency of services, we are of the view that the Authority's proposed regulation on redressal of consumer grievances and consumer protection in telecommunications should be based only on the present QOS regulations.

It is submitted that cases where no parameter/ benchmark is specified in any regulation, the SLA for complaint redressal would vary and depend on the nature of the complaint. In case it is still considered necessary then, benchmarks should be specified in terms of percentages similar to those given in the TRAI's QOS Regulations.

**TUG Telecom Users Group**

Agreed, but who will monitor the performance of Call centers.

**National Consumer Helpline, Core Center & Voice:**

Yes .Well drafted. Please add: If the consumer is not satisfied, the call centre must provide the contact details of NODAL OFFICER to the complainant and inform him that he has a right to appeal to the nodal officer as per TRAI guidelines.

**CREAT:.**

The procedure and time limit for the Call Center specified in the consultation paper is adequate.

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

Yes .Well drafted. Please add:

'Must provide the contact details of NODAL OFFICER to the complainant, if requested and in case complaint is not resolved .

**Palakkad District Consumers' Association :**

**(PA. Surendran , (Consumer Advocacy Group Member ,TRAI))**

Do not depend fully on Call centers. Because many Call centers functioning in India are just like as a referring agency . This type of call centers are waste and time consuming. For example if you ask any information in the consumer help line / call center regarding the details of Consumer Welfare Fund utilization , or case details of the CDRF, SCDRC & NCDRC, they will give the reply to ask the concern department. Again you are asking for the contact address of the department , they will give the reply for the directory enquiry !? Many call centers are functioning with few students/unemployed appointed as daily wages like the exhibitions staff , not with the efficient , qualified and experienced staffs.

So our ( the Telecom Service providers ) Call center should be able to give the maximum detailed information to the callers/ the consumers established " under regulation 3 by the service providers for redressal of Grievances of its consumers on telephone or other electronics means" ..

**Bombay Telephone Users' Association**

Yes. Subject to the comment made as in 1 above. However, communication of docket no. or action taken should only be by recorded message i.e. which can be retrieved/produced by complainant any time in the future – not by telephone or any verbal method. At the field level, we have a lot of issues on this score.

**3. Do you agree with the proposals given in the Consultation Paper with regard to the appointment and obligations of the Nodal Officer? Is it necessary to define the geographical area of Nodal Officer and if so, please give your suggestions along with reasons thereof?**

**BSNL:**

Yes. The nodal officer should be exclusive for a particular geographical area for effective, speedy and inexpensive redressal of consumer grievances. The Nodal officer should be at Secondary Switching Area (SSA) level as well as at Circle level.

With regard to complaint handling procedure by Nodal Officer the time limit for acknowledgement of complaint and its redressal are already defined by the Ministry of

Personnel, Public Grievances and Pension vide their D.O. letter no. G-13013/1/2006-PG dated 5<sup>th</sup> May 2006 Copy at Annexure-I). As per this letter an acknowledgement should be given within **three days** of receipt of grievance and a grievance should be redressed within a period of maximum **two months** of its receipt. Accordingly the time limit as given in this consultation paper with regard to acknowledgement of complaint by Nodal Officer and its redressal may modified as per the directive of Ministry of Personnel, Public Grievances and Pension.

**MTNL:**

MTNL is already having the redressal mechanism right from the sub divisional level to Area general manager and further to the HQ of Executive Director in Delhi and Corporate office under CMD.

**RELIANCE COMMUNICATIONS LTD:**

The proposal with regard to appointment and obligations of the Nodal Officers as has been agreed voluntarily in the Common charter of telecom services, is already in place and functional. The process of setting up nodal officers has allowed consumers to have confidence that their dissatisfaction can be dealt with in an equitable manner but also benefits the industry as it has helped in generating higher levels of customer satisfaction.

It is not necessary to define the geographical area of Nodal officer since the nodal officers can be approached through writing, email, telephone, fax etc. Service providers should be allowed to appoint nodal officers in areas in such a manner that they are easily accessible to consumers for their grievances.

**VSNL**

Yes, we agree to this. However we suggest that the number of Nodal officers should be dependent on the quantum of complaints and if the number of complaints in a particular licensed service area is very less, there should be flexibility given to the ISP to appoint a common Nodal officer for more than one licensed area depending on the number of complaints per month. The Authority may lay down the standards regarding the same if required. Initially, an ISP may be allowed to determine whether it wants to have local or regional Nodal Officer depending on the number of customers and the number of complaints in that area.

For Example a nodal officer in Delhi may be able to take care of all customer escalations in North region. Similarly we can have Nodal officer at Kolkata for East , Mumbai for West etc..

The complaint handling procedure proposed to be mandated is essentially hierarchical in nature. For any complaint to progress from the call center level to the Nodal officer level, the consumer should, while communicating the complaint with the Nodal officer, be asked to give the relevant details of the earlier complaint filed with the call center which would enable the Nodal officer to take quicker and effective corrective action. A need is, therefore, felt for mandating a form of communication to the Nodal officer, on the lines of Form A prescribed for the Appellate Authority in this Consultation Paper.

### **TATA Teleservices Ltd:**

The framework for appointment of Nodal officers for handling of consumer complaints has already been submitted to Licensor / TRAI in compliance to the terms and conditions of Licence Agreement. In no instance any complaint or adverse feed back is received from any consumer or Licensor / TRAI on the current framework. We do not think that nitty-gritty's of obligations or geographical workings of nodal officers requires regulation.

### **SIFY LTD:**

Yes, we feel that the obligations of the nodal officer as detailed in the paper seem appropriate. At the same time we feel that there is absolutely no need to define geographic area of a nodal officer. It is better to leave it to individual service providers to deploy nodal officers in such numbers and in such places as they deem fit in accordance to their business model.

The time frame which shall be available to the nodal officer as specified in the proposed model are:

- i) **All grievances received by the Nodal Officer in respect of fault or service disruption or repair/ restoration of fault shall be got redressed within 3 days of registration of the complaint; and**
- ii) **The Nodal Officer shall redress other grievances within 10 days of the registration of the grievance.**

Under normal circumstances the time limit of three days is sufficient to address any issues related to fault or service disruption. Service delivery often involves using/leasing a part of the access network from some other service provider/operator. It may happen that the disruption of service is due to a fault in the segment operated and maintained by another operator. Under such circumstances, the ISP may not be held responsible and an extended time frame may be allowed on a case-to-case basis.

A case in point is the usage of a cable operator's last mile network for delivery of broadband service. We have tied up with cable operators in many areas to make use of their last mile access network for provisioning of broadband services to our subscribers. In some areas, the broadband connectivity gets disrupted due to prolonged power failure during which the data switch placed at the cable operator's premises stops functioning. Therefore even if our core network elements are functioning as we have power backup systems in place, some subscribers face service discontinuity during power failures in their respective locality.

We would request the Authority to include appropriate clause in the proposed framework so that such eventualities may be addressed and the Internet service provider is not penalized for actions/incidences beyond its control.

### **COAI:**

- a. As already pointed out that **each service provider has already put in place a Nodal Officer as per the Common Charter for Telecom services** and that the

details of these nodal officers are not only published by the service providers, but are also available on the website of the Authority.

- b. As regards the **appointment, obligations, geographical area and scope of responsibility** of the Nodal Officer (s), we would like to **address this issue in the Manual of Practice** that is proposed to be draft in coordination with other industry associations.

### **AUSPI:**

The proposals with regard to appointment and obligations of the Nodal Officer as has been agreed by all service providers and CAG in the common charter of telecom services was accepted by all service providers in principle.

However, the Nodal Officer should register those complaints which are registered with the service provider's call centre in the first instance. The time limit of ten days for redressal of the grievance of the consumer by the Nodal Officer does not match the time limit specified in QOS regulations for some parameters like, time taken for refund of deposit after closure for basic service land line (100 % within 60 days), billing performance for CMTS (100 % within 4 weeks), service provisioning/ activation time for broadband (100 % cases in =< 15 working days subject to technical feasibility) and percentage of billing complaints resolved & time taken for refund of deposits after closure for broadband (100 % within 4 weeks & 100 % within 60 days respectively).

AUSPI recommends that Nodal officer should resolve complaints relating to above parameters within the time frame specified in the respective QOS regulation.

According to us, it is not necessary to define the geographical area of Nodal Officers. In the present age of communications, easier accessibility of nodal officers through any means of communication is more important than their physical presence in defined geographical areas. It should be left to service providers to appoint Nodal Officers for such area as they consider necessary so that Nodal officers are easily accessible to consumers.

### **TUG Telecom Users Group**

Appointment of Nodal Officers with defined Geographical Area. His name, Telephone Number/ Mobile Number/ E-Mail Details may please be got printed on the face of the bills issued by the Service Providers.  
Consumers Association, (PDCA)

### **National Consumer Helpline, Core Center & Voice:**

We do agree with the proposals. However,

- a] Nodal officer being HUMAN FACE, must be so located that a subscriber can visit / access him easily. And this will dictate number and location of NODAL officers
- b] To be located in a town or tehsil or the local point where payments are received or recharge coupons are sold.
- c] In case of complaint on phone, NODAL officer should provide "Complaint Number & time frame for redressal" instantly.

### **CREAT:**

We suggest that the Nodal Officers are to be appointed in each of the Districts where the service provider is operating. Though Nodal Officers in each of the Taluks are ideal, to start with Nodal Officers at the District level may be sufficient. The Regulations should provide a clause wherein the service provider may nominate Nodal Officers as may be required depending on the number of connections, complaints, customers served etc.

### **VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

We do agree with the proposals. However,

- A. Nodal officer being HUMAN FACE, must be so located that a subscriber can visit / access him easily. And this will dictate number and location of NODAL officers
- B. In a town or tehsil.
- C. In case of complaint on phone, NODAL officer should provide “ Complaint Number & time frame for redressal” instantly.

### **Palakkad District Consumers’ Association :**

#### **(PA. Surendran , (Consumer Advocacy Group Member ,TRAI))**

Nodal officer for district level. The subscriber want to go / travel beyond district level, to register or file a complaint means , it is a burden to him. So nodal officer should be at district level.

### **Bombay Telephone Users’ Association**

Yes. But geographical area of supervision is a must. The coverage area for each Nodal Officer must be a 2 kilometre radius at the maximum. The number of nodal officers may be also considered in proportion to the total connections in any service area of that service provider. Our field experience recommends the model of the accessibility provided by the MTNL in Mumbai.

4. **Do you agree with the proposal contained in the Consultation Paper for appointment of appellate authority by the service providers and the proposed procedures for disposal of appeals? Please give your suggestions supported by reasons thereof.**

### **BSNL:**

It is agreed that there should be Appellate Authority but the respective service provider should not appoint it. It is recommended to have **service provider neutral common Appellate Authority** in place of each service provider establishing its own Appellate Authority. The existing Telecom Monitoring Cells of DOT could be assigned the responsibility to act as Appellate Authority for the whole of telecom sector i.e., for all telecom service providers. The Appellate Authority is going to adjudicate the matters in a quasi-judicial manner and hence it would be appropriate to give this power to a government body. Since the Telecom Monitoring Cells are already functional, almost in every state, the proposed three months time for appointment of Appellate Authority can also be done away with. If need be, geographically wider LSAs could have more than one branch of the Telecom Monitoring Cell so as to be within easy reach of the telephone subscribers in the LSA. Telecom Monitoring Cells are part of Licensor i.e., the

Government of India and hence are service provider neutral and will apply common yardstick to decide the cases in respect of subscribers belonging to any of the service providers.

Also as per the DoT letter no. 10-8/2006/VTMHQ/gen/3 dated 27-10-2006 one of the responsibility of the VTM cell is “ **Grievance Redressal of subscribers in respect of deficiency by various operators**” ( Annexure-II)

**MTNL:**

MTNL is already having the A/As in various type of services namely DE above SDOs A M above DE's , GM's above Area Manager, Chief GM above GM's ED of unit above CGM's & ED(O)/CMD in corporate office.

**RELIANCE COMMUNICATIONS LTD:**

We agree that an appellate authority in addition to the mechanisms already available to consumers helps in speedy redressal of customers' complaints. The appellate authority should be appointed from within the service providers' organization only and terms and conditions for setting up of such a body should be left to be decided by the service provider. This would enable speedy, efficient and effective disposal of complaints, as the service provider is aware of its systems and can undertake root cause analysis to remedy any shortfalls as perceived by the customer. This appellate authority appointed by the service provider from within his own organization is well versed with the redressal mechanism and known within the organization.

Further, the Authority should not specify the tenure of the appellate authority and formal procedure for setting up of secretariat for appellate authority. It should be left to service providers to set up an efficient mechanism to address consumer grievances.

**VSNL**

Yes, we agree to this proposal of appointment of appellate authority. However looking at customer base and license for area of operation (All India), we suggest the appellate authority can be centrally located at the HQ of the Internet service provider.

If required consumers, can talk to appellate authority through Video Conference.

**TATA Teleservices Ltd:**

The Appellate Authority in TTSL / TTML is already in existence And the appellate authority is receiving complaints from consumers on daily basis. The relevant information on the nodal officers and Appellate authority is readily available on our website (copy attached). In view of this, question of appointment of another appellate authority does not arise. Appointment of an appellate authority from outside is not considered proper as it would add to a layer only without providing effective means for redressal. **Entire secretariat, if required, of appellate authority should be part and parcel of the service providers only.** Since the entire information is available on company's web-site, the issue of public notice in the proposed regulation is not required.

We observe that the time frame available to the appellate authority after receipt of reply from the service provider is not adequate to decide the appeal within one month from the date of filing. We feel this time frame should be increased to make it to at least 3 months.

### **SIFY LTD:**

On page 25 of the instant consultation paper, it is stated that **“It is mandatory for all the Access Service Providers to establish an Appellate Authority within the company in each licensed service area.”**

Again in paragraph 4.15 the following is stated:

**“Every service provider shall establish, within three months one or more appellate authority, in each of his licensed service area to hear and dispose off the appeals.”**

It is not very clear if broadband service providers are access providers and are supposed to come under the purview of this regulation. Further, as per the regulation, a service provider is supposed to establish one or more appellate authority in **each of his licensed service area**. While the licenses of UASLs and CMTS licensees are circle based and their licensed service area can be geographically defined, the same is not true for licensees holding a class A ISP license whose **licensed service area is whole of India**.

Also, it would be prudent to mention that having multiple appellate authorities for ISPs is not logically justified as the subscriber base for ISPs are substantially less than that of other licensed service providers on whom this regulation would be binding. We strongly feel that a single appellate authority having all the powers and privileges as mentioned in the consultation paper will be sufficient and just. The appellate authority may be located at the company head quarters and shall execute all the functions that will be conferred upon him through this regulation.

### **COAI:**

- a. It is submitted that **an appellate officer (henceforth called a Presiding Officer) already exists internally for each service provider**. This is in line with the mandate of DoT/TRAI which required the service providers to set up an appellate authority “within” the company.
- b. We would like to **address the designation, obligations, geographical area and scope of responsibility of the Presiding (Appellate) Officer (s), in the Manual of Practice**.
- c. Insofar as **the external appellate mechanism** is concerned, we have already submitted that **the office of TSO as finalized by COAI will be implemented at an early date** and will **address the grievances of subscribers in an independent, simple, objective, transparent, expeditious and cost effective manner**.

### **AUSPI:**

The appellate authority should be appointed from within the service providers' organization only. This would enable speedy, efficient and effective disposal of complaints. This appellate authority appointed by the service providers from within the organization would be well versed with the redressal mechanism and known within the

organization and thus would be able to act and discharge its function effectively. Appointment of an appellate authority from outside is not considered proper as it would add to a layer only without providing effective means for redressal. Entire secretariat of appellate authority should be part and parcel of the service providers only. The issue of public notice in the proposed regulation is not required.

There are number of other agencies to redress the consumer complaints. Consumers can approach Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission for redressal of their complaints. The groups of consumers also have an option to approach TDSAT in case of any dispute with a service provider. The Monopolies and Restrictive Trade Practices Commission is also looking into consumer complaints. Additionally, consumers are approaching TRAI for redressal of their complaints. In addition, normal legal remedies through civil courts are also available to the consumer. Creation of so many agencies for redressal of consumer complaints would create confusion in the mind of consumers.

The Authority is also aware that the industry is voluntarily going to setup an office of the ombudsman and therefore we strongly believe that creation of a parallel body by service providers would not serve any useful purpose. The mechanism suggested by the Authority would not ensure speedy resolution of consumer's complaints and therefore would not be in their overall interest.

We observe that the time frame available to the appellate authority after receipt of reply from the service provider is not adequate to decide the appeal within one month from the date of filing. We feel this time frame should be increased. It is suggested that the benchmarks for redressal of an appeal by the appellate body should be specified in terms of percentages similar to those given in the QOS Regulations.

**National Consumer Helpline, Core Center & Voice:**

Appellate auth only is needed but be designated as Senior Complaint Redressal Officer. To consider the accused / party responsible for grievance as JUDGE against rules of natural justice. As the dispute is between the subscriber and the service provider, service provider must endeavour to resolve it..

Submission of Form A in duplicate and in writing is a RETROGADE STEP., as if to discourage complainant from appeal. On-line submission must be accepted.

Total time for appeal disposal is so long as if to suggest FORGET ABOUT Duration for each action must be revised /compressed to deliver result in speedy manner.

**CREAT:**

The procedure for appointment of Appellate Authority by the service provider and the procedure for disposal of appeals is adequate. But we have our reservations about its composition. Our views are explained under Issue for Consultation No.9.

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

Appellate authority is needed but be designated as Senior Complaint Redressal Officer. To consider the accused / party responsible for grievance as JUDGE is beyond imagination..

As the dispute is between the subscriber and the service provider, service provider must endeavour to resolve it..

Submission of Form A in duplicate and in writing is a RETROGADE STEP., as if to discourage complainant from appeal. On line submission must be accepted.

Total time for appeal disposal is so large as if to suggest FORGET ABOUT APPEAL.

Duration for each action must be revised /compressed to deliver result in speedy manner.

### **Palakkad District Consumers' Association :**

#### **(PA. Surendran , (Consumer Advocacy Group Member ,TRAI))**

Appellate authority is essential. But it is not appointed by the service providers . The entire spirit and purpose of appointing an Appellate Authority by the Service Provider is totally unacceptable. This gives a legitimate doubt about the impartiality of the Appellate Authority since he is an appointee of the service provider and will be obliged to serve their interests.

As an alternative to the TRAI draft we propose: The Appellate authority should be at State level functioning the almost middle or capital of each state..

The members of the Appellate authority is Maximum 7 including one Chairman / Secretary. The appointment of the Appellate authority Chairman / Secretary as per the direction of the TRAI , based on the subscriber base ..

- a) One representative of COAI .
- b) One representative of AUSPI
- c) One representative of Broad band Service providers ..
- d) One representative of Cable TV. Service providers..
- e) The CAG Members registered with TRAI ..

The meeting will be once in a month .

### **Bombay Telephone Users' Association**

The statements bullet point 1 of 4.15 (page 26) and bullet point 6 are confusing. Is the appellate authority to be set up by each service provider or by several together? It can only be possible for each SP separately. In which case, point (b) of bullet point 6 is a contradiction. The rest appear okay.

**5. Do you agree with the proposal of publishing a “Manual of Practice for handling consumer complaints” and its contents? Please give your suggestions, if any, to further improve upon the contents of the Manual.**

**BSNL:**

YES, the proposal of publishing a “Manual of Practice for Handling Consumer Complaints” is agreed but it should not be made mandatory to print hard copy of such manual for issuing to the subscribers in the present digital age rather it may be made mandatory to publish on the website of the concerned service provider. There may be doubt with regard to its accessibility in the rural segment of India but that may not hold good because the publicity of the manual through electronic media will contribute to faster penetration of computers even in rural areas, where various projects like e-Choupals are already expanding their presence by leaps and bounds. The country will save on stationery directly and on ecological system indirectly apart from the service provider’s saving on the inventory & housekeeping cost of printed manuals.

**MTNL:**

Publishing of manual indicating the procedure of complaints handling can be considered.

**RELIANCE COMMUNICATIONS LTD:**

The “Manual of Practice for handling consumer complaints” as proposed by TRAI to be made available at the website of service providers is a good suggestion which will ensure that customers are better informed. The contents of the manual will be such that they are not voluminous and yet easily understood by the general public. The manual should be in a simplified form, which will provide essential information and be easily understood by the customer.

**VSNL**

Yes. However we suggest this manual should be in English/Hindi for Internet service providers. It also should include the terms and conditions for the service.

**TATA Teleservices Ltd:**

*The “Manual of Practice for handling consumer complaints” as proposed by TRAI be made available at the website of service providers and TRAI. There is no need for publishing any manual; as followed in some countries. The manual of practice for handling of consumer complaints may be done in only one language (preferably in English) to be directed by TRAI.*

The contents of the manual should not be voluminous and should exclude information like terms and conditions of service offered by the service provider in 21(b), information about service availability and coverage for cellular mobile service in 21 (f), 21(m), 21(n) & 21(o). Further, the contents of the same should be left upon to be decided by service providers, which, of course, will consist regulatory aspects on consumer protection as issued by TRAI / Licensor from time to time.

We agree on the proposal for publishing of “Manual of Practice for handling consumer complaints” on the web-site of the company, however, the contents of the same should be left upon to be decided by service providers, which, of course, will consist regulatory aspects on consumer protection as issued by TRAI / Licensor from time to time.

**SIFY LTD:**

**(This is the answer for question 5 & question 11)**

We duly recognize the need to educate our subscribers regarding their rights and obligations. The proposed publication of a manual of practice for consumer complaints is a welcome measure according to us and will go a long way in educating and the making the subscriber aware of his rights.

However we feel that rather informing the subscribers only about the rights and the procedure for handling grievances, the same can also be used to inform users their role to prevent misuse of the service in anyways.

Though there is no regulation at this time, we already have such a literature wherein we have detailed all the terms and conditions of the service along with the contact details of our call centers. This literature is freely available to our subscribers and is also handed over during the initial sign-up procedure. We also feel that rather than specifying a hard coded format for the manual, it would be best left to the service provider to decide what to include and how to present the information in the best possible manner.

In a market with sufficient competition, a regulation is not always necessary and market forces make such measures to be taken *suo-moto* by the service providers in order to retain subscribers by enhancing support levels.

**COAI:**

- a. **Yes. We support the proposal** to have readily available detailed information in the standard operations procedures and standards. As already submitted, **COAI in close coordination with other industry associations will undertake to draft a common industry Manual of Practice** that will address the objectives of the Authority and the concerns of the consumers.

**AUSPI:**

The “Manual of Practice for handling consumer complaints” as proposed by TRAI can be made available at the website of TRAI and service providers and therefore there should not be any need for publishing that manual. The manual can be based on Common Charter of Telecom Services as finalized by TRAI after due consultation with CAGs and service providers and should not involve any technical and legal terms which are not easily understood by common consumer.

The contents of the manual should not be voluminous and should exclude information like terms and conditions of service offered by the service provider in 21(b), information about service availability and coverage for cellular mobile service in 21 (f), 21(m), 21(n) &21(o).

**National Consumer Helpline, Core Center & Voice:**

It is well documented. As explained in the letter, majority of the subscribers are PRE-PAID MOBILE SUBSCRIBERS. . Hence it is suggested that the “Manual of Practice “ should also be made part of RECHARGE COUPONS sold to pre-paid subscribers.

**CREAT:**

We agree with the contents of the Manual of Practice for handling consumer complaints. However the title may be changed as ' Your Rights and Responsibilities as a Telecom Customer'

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

It is well documented. As explained in the letter, majority of the subscribers are PRE-PAID MOBILE SUBSCRIBERS. . Hence it is suggested that the "Manual of Practice " be made part of RECHARGE COUPONS sold to pre-paid subscribers.

**Palakkad District Consumers' Association :**

**(PA. Surendran , (Consumer Advocacy Group Member ,TRAI))**

Yes.

**Bombay Telephone Users' Association**

Yes. As regards comments on the Manual, it as given below:

- Under 4.16 (1) (k), it is not clear what this means.
- Under 4.16 (3), the printed manual should be made compulsorily available to all consumers, including existing subscribers.
- Under 4.17 (a) docket nos. should be provided at the very first instance of contact with Call Centre and this should be the reference of the complaint down the line. Service providers should be asked to maintain a software providing for a history of each subscriber.
- Under 4.17 (d), since time had already been provided in the first instance of 3 days for fault repair etc., the rectification should be done within 24 hours.

**6. What are your views on the Draft Regulations on the institutional mechanism to handle consumer grievances and the Manual of Practice for handling consumer complaints? Will this Mechanism facilitate speedy, inexpensive and effective redressal of complaints?**

**BSNL:**

Draft Regulation is going to benefit the telephone subscribers and is required. It will facilitate speedy, inexpensive and effective redressal of complaints.

**RELIANCE COMMUNICATIONS LTD:**

At this juncture, a regulation is not ideal. We are constantly improving our processes to provide an enriching usability experience for our customers. The Authority's proposals through this consultation paper are additional indicators for us. We suggest that the Authority may wait and see the performance of the standardized/strengthened procedures being proposed in this Consultation paper before finalizing its views on this subject. Also, the impact of the Authority's recent regulation on metering & billing audit should also be taken into account while undertaking any review, the reports for which will be available by July 2007.

Moreover, as highlighted above, the industry has taken the initiative to set up an office of the ombudsman, which will additionally serve to address consumer grievances.

### **VSNL**

The draft regulations will go a long way in increasing the efficacy of the consumer grievance redressal. In a competitive market, no service provider would like not facilitating speedy redressal of complaints as a consumer always has a choice to move to another service provider in case of default, particularly so, in case of Broadband services. We would also like to submit that the prolonged faults/interruptions in this service which occur due to reasons beyond the control of service provider like theft of cables etc. would still be there but this mechanism would lead to a more responsive customer grievance mechanism.

### **TATA Teleservices Ltd:**

The present mechanism to handle consumer grievances is adequate and we believe that any such regulation from TRAI would complicate the issue or delay the redressal process.

The individual subscriber has a remedy under Consumer Protection Act, 1986 while section 14 of TRAI Act, 1997 gives exclusive jurisdiction to TDSAT to adjudicate disputes between group of subscribers and service providers.

### **SIFY LTD:**

As we have indicated earlier, the proposed institutional mechanism will certainly improve the redressal of complaints. However, all service providers have put in place some grievance redressal model as per their own needs and means. As indicated in the instant consultation paper, The Common Charter for telecom services that was released by TRAI called for voluntary declaration of service providers and also envisioned service providers to arrange human interface for the subscribers. Keeping in view of the same, we have also taken proactive measures to appoint nodal officers for each zone of the country and have also established an elaborate call center infrastructure.

Keeping the common charter in mind, the proposed institutional mechanism can be regarded as an extension from which the earlier framework does not vary substantially. The proposed framework stipulates well defined time limits to be followed at each step of the grievance redressal process. We have already expressed our views about the time frames in our response to earlier questions. The same time frame is being reflected in the draft regulation which we feel is appropriate.

### **COAI:**

- a. We **strongly believe that the Authority should refrain from issuing a Regulation** on this subject, but rather **address this issue through light touch regulatory manner, encouraging a voluntary and self regulatory** approach by the industry.
  
- b. **In this era of intense competition and virtually identically low tariff offerings**, we firmly believe that **high quality customer service will be one of the key factors in acquiring and retaining subscribers.**

- c. The **Authority may exercise an overall supervision** of the industry **by approving the Manual of Practice** and **assessing the implementation and performance of the TSO scheme.**

**AUSPI:**

The present mechanism to handle consumer grievances is adequate and we believe that any such regulation from TRAI would complicate the issue or delay the redressal process.

Moreover, we believe TRAI Act provides functions relating to the quality of service, interconnections etc. The Authority's functions do not specify adjudication of any disputes or make rules relating to adjudication of disputes. The individual subscriber has a remedy under Consumer Protection Act, 1986 while section 14 of TRAI Act, 1997 gives exclusive jurisdiction to TDSAT to adjudicate disputes between group of subscribers and service providers.

Further, it is observed that the definitions contained in the Draft Regulation are not identical to the definitions as appearing in the license agreement(s) and need to be modified / deleted. The term 'Consumer' has not been defined in the License agreement, whereas Customer and Subscriber definition is contained in the License Agreement. Any such new or modified definition will create confusions and may lead to wrong interpretations. Hence, it is suggested that the definitions as contained in the License agreement should prevail.

**National Consumer Helpline, Core Center & Voice:**

Mechanism appears to be a great facilitator in Redressal of Grievances in Speedy, effective and inexpensive manner. However, its implementation will depend on enforcement.

Points raised in the letter be considered for inclusion.

We have reservations on the working of Appellate Authority and its effectiveness.

While mandating the above draft, we requests that need of OMBUDSMAN may not be ignored / lost sight of and issue be revived with Government.

**CREAT:**

We agree that the draft regulation on the institutional mechanism to handle consumer grievances is adequate. It will facilitate speedy and inexpensive redressal of complaints

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

Mechanism is a great facilitator in Redressal of Grievances in Speedy, effective and inexpensive manner.

Points raised in the letter be considered for inclusion.

We have reservations on the working of Appellate Authority and its effectiveness.

While mandating the above draft, VOICE requests that need of OMBUDSMAN may not be ignored / lost sight of.

**Consumers' Forum(R) SAGAR:**

Draft regulation and manual of practice are apt and appropriate and best suits the need of consumers.

**Consumer Care Society:**

The CP is very timely and are certainly expected to facilitate resolution of complaints of consumers provided of course the service providers implement same in both the letter and spirit.

**7. Do you agree that all access service providers including CMSPs, Broadband Service Providers and ISPs need to establish the institutional mechanism to handle consumer grievances and publish the Manual of Practice for handling consumer complaints? If not, please state who should be exempted and the criteria for such exemption.**

**BSNL:**

YES. All service providers may be mandated to establish institutional mechanism to handle consumer grievance and publish Manual of Practice for Handling Consumer Complaints. However it should not be mandatory to establish separate institutional mechanism for handling consumer grievance in case a service provider is providing more than one service.

The Manual of Practice should be mandated for publication on website only and not for physical printing and distribution for the reasons as mentioned in issue no. 5.

**RELIANCE COMMUNICATIONS LTD:**

We believe that all access service providers including CMSPs, Broadband Service Providers and ISPs who offer telecommunication services to general public, need to establish the institutional mechanism to handle consumer grievances. The industry is experiencing rapid growth both in terms of new services and new entrants. From a consumer perspective it is imperative that all industry participants providing services to consumers develop and implement systems, processes and procedures that facilitate the resolution of complaints about those services.

**VSNL**

**Yes**

**TATA Teleservices Ltd:**

In order to maintain a level playing field, we believe that any such regulatory requirement should be equally binding on all access service providers. Further the Manual of Practice for handling consumer complaints need not be published rather it should be available on respective websites of service providers and TRAI.

The manual of practice for handling of consumer complaints may be done in one language only (preferably in English) to be directed by TRAI.

**SIFY LTD:**

**The response below pertains to question number 7 through 10.**

We completely agree that all service providers including CMSPs and broadband service providers should establish the institutional mechanism. However, ISPs like us who have a Class 'A' license should not be mandated to establish multiple appellate authorities as we have mentioned earlier. A single appellate authority should be effectively able to handle all the complaints registered by our subscribers. A single appellate authority, whose contact details would be widely publicized shall be easy to locate and will eliminate the confusion arising out of multiple appellate authorities spread across multiple locations.

We would like to point out that making the '**Form A**' available at every office of the service provider, nodal officer and appellate authority and at the sales outlets, as prescribed in draft regulation 17(2)(a), may be difficult keeping in view the huge geographic spread over which our services are available. Rather, making the same available through our website for free and unrestricted download, as proposed in draft regulation 17(2)(b) will be much more feasible and effective.

**COAI:**

**Yes, all access service providers should be required to publish the Manual of Practice** for handling consumer complaints.

**AUSPI:**

We agree with the Authority that all access service providers including CMSPs, Broadband Service Providers and ISPs who offer telecommunication services to general public, need to establish the institutional mechanism to handle consumer grievances. As mentioned above, the Manual of Practice for handling consumer complaints need not be published rather it should be put in respective websites of service providers and TRAI.

The manual of practice for handling of consumer complaints may be done in one language only (preferably in English) to be directed by TRAI.

The proposed regulation on Redressal of Consumer Grievances and Consumer Protection should be applicable to all service providers providing basic, cellular, unified access or broadband services irrespective of their turnover.

**National Consumer Helpline, Core Center & Voice:**

We have been advocating this for the last EIGHT YEARS. No exemption should be allowed.

### **CREAT:**

The Regulations should be applicable for all telecom service providers and nobody should be exempted. Hence Section 1 (b) should be properly worded and the proposed financial turnover should be removed.

### **VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

VOICE had been advocating this for the last EIGHT YEARS.

### **Consumers' Forum(R) SAGAR:**

In our opinion all service providers are to be covered under the would be regulation. There should not be any exemption.

### **Consumer Care Society:**

Yes we totally agree that there is a need to establish institutional mechanisms to redress consumers grievances. We believe that with the competition between CMSPs for increasing the customer numbers hotting up, the differentiating factor will be the QoS and the winner will certainly be the better service provider and ensuring customer delight in resolving his problems.

### **8. What are your views on the procedure outlined for making complaints given in the Draft Regulations? Please give your suggestions for improvement.**

### **BSNL:**

Following are the parawise comments on the draft regulation.

#### **Para 5: Time limit for redressal of grievance of consumer.**

Modification are made with regard to second, third and fourth paras of 5(1) and are reproduced below respectively.

*“Provided that in case a service provider fails to comply the benchmarks for the parameters within the time limit specified in the regulations referred to in this regulation, every complaint relating to non compliance of any of the benchmarks for the parameters within the time limits specified in the said regulations shall, without prejudice to the provisions of the Act or any regulation made or Directions issued there under or any action which may be taken under the Act or any regulation or Direction made there under, be redressed within **seven working days** after the expiry of such time limit in most cases.”*

*“Provided further that in case where no such parameter or time limit relating to fault or disruption of service has been specified in the Quality of Service for Basic and Cellular Mobile Service Regulations, 2005 dated the 1st July, 2005 (11 of 2005) and the Broadband Service Regulations, 2006 (11 of 2006) for redressal of complaints, all such complaints shall be redressed within **ten working days** from the date of registration of complaint.”*

*“Provided also that in cases where no parameter or time limit has been specified in these regulations or any other regulations made under the Act for redressal of complaints, all such complaints, shall be redressed within **ten working days, subject to technical feasibility**, from the date of registration of complaint.”*

It is also suggested that the above time limit should be adhered to in most of the cases. However there can be exceptional cases for which the time limit may exceed due to the circumstances which are beyond the control of a service provider. Example of such situation include but not limited to

- a) Underground cable damaged by Highway/ other Civic Authorities and the operator is not in a position to restore/ replace the cable.
- b) Landslide or heavy snowfall in hilly areas.
- c) Natural calamities like flood, earth quake when a person is not able to restore the faults.
- d) Prolonged power failure which is generally the case in most of the rural areas.
- e) Working in areas infested by insurgent groups like Nexalite etc.
- f) Incidences of lightening and fire incurring damage to the equipment at telecom installations.
- g) Incidences of riots, act of terrorism and imposition of curfew where the maintenance staff is not able to reach the site.

#### **Para 8 (d) and 9**

8(d) and first para of 9 are modified and are reproduced below respectively.

*“ issue an acknowledgement to the concerned consumer within **three days** of receipt of the complaint indicating therein the complaint number or unique number , as the case may be”*

*“ The Nodal Officer shall redress the grievances of the consumer within **two months** of the registration of the complaint under clause(c ) of regulation 8”*

The above suggestion is in line with direction of Ministry of Personnel Public Grievances and Pension, vide their letter no. G-13013/1/2006-PG dated 5<sup>th</sup> May 2006 (Annexure-I) where the time limit for acknowledgement of grievance is **3 days** and that for the redressal of grievances is **60 days**.

#### **Para 10 &12- Establishment of Appellate Authority –**

It is agreed that there should be Appellate Authority but the respective service provider should not appoint it. It is recommended to have **service provider neutral common Appellate Authority** in place of each service provider establishing its own Appellate Authority. The existing Telecom Monitoring Cells of DOT could be assigned the responsibility to act as Appellate Authority for the whole of telecom sector i.e., for all telecom service providers. The Appellate Authority is going to adjudicate the matters in a quasi-judicial manner and hence it would be appropriate to give this power to a government body. Since the Telecom Monitoring Cells are already functional, almost in every state, the proposed three months time for appointment of Appellate Authority can

also be done away with. If need be, geographically wider LSAs could have more than one branch of the Telecom Monitoring Cell so as to be within easy reach of the telephone subscribers in the LSA. Telecom Monitoring Cells are part of Licensor i.e., the Government of India and hence are service provider neutral and will apply common yardstick to decide the cases in respect of subscribers belonging to any of the service providers.

Also as per the DoT letter no. 10-8/2006/VTMHQ/gen/3 dated 27-10-2006 one of the responsibility of the VTM cell is “ *Grievance Redressal of subscribers in respect of deficiency by various operators*” ( Annexure-II)

**Para 17(11)-**

The power to pass orders for compensation to the appellants should be limited up to direct loss and not for indirect, intangible or any other kind of compensation.

**Para 17(12)-**

The period of one month to decide every appeal is too short considering the procedure outlined under various sub-paras of Para 17. It should be at least **four months** from the date of filing the appeal. Accordingly the para is modified and reproduced below.

*“The appellate authority shall decide every case within **four months** from the date of filing the appeal and pass order thereon stating the points for determination, the decision thereon and the reason for the decision.”*

**Para 17(14)-**

The para is modified and reproduced below.

*“The service provider should comply with the order of the appellate authority within a **time frame specified by the appellate authority, else within 30 days** from the receipt of the order and report compliance thereof to the appellate authority”*

**Para 18 -**

**Reporting Requirements –**

Para 18(1) is modified and reproduced below.

“The Appellate Authority shall submit, by the 15<sup>th</sup> October and 15<sup>th</sup> April of every financial year or at such shorter interval as the **Licensor** may specify from time to time, a report **to the Licensor and to the Authority**, mentioning therein .....”

**Para 21 -**

Para 21(1) is modified and reproduced below.

*“ Every service provider shall publish **on its website** a Manual of practice for handling consumer complaint containing following information relating to Basic Telephone Service, Cellular Mobile Telephone Service and Broadband Service, namely.....”*

As regard to sub para 21(1)(f) it is required to publish information about service availability and coverage for cellular mobile service. The information regarding coverage for cellular mobile service may have competitive repercussions in favour or against some of the service providers and hence may not be insisted upon for publication.

### **RELIANCE COMMUNICATIONS LTD:**

We broadly agree with the procedure outlined in the consultation paper for making complaints. However, as indicated in S.no 6 above, a regulation should not be prescribed by the Authority.

### **VSNL**

Email and web based complaint filing should be included with turn- around time similar to those filed through the call centre

### **TATA Teleservices Ltd:**

A very sound and effective procedure for handling consumer complaints presently do exist with us. A consumer can make a complaint to us in a manner he likes. We are of the view that the Authority should more focus on redressal of the complaint rather than in specifying the internal procedure for handling of complaints.

### **COAI:**

- a. As already submitted we believe that **it is not necessary or desirable for the Authority issue a Regulation** on this subject, but rather **address this issue through light touch regulatory manner**, encouraging a voluntary and self regulatory approach by the industry.
- b. The **internal consumer grievance redressal processes** of the service provider would be **outlined in the industry Manual of Practice** that will be drafted by COAI and other industry associations, which would also be approved by the Authority.
- c. Insofar as the **external appellate mechanism** is concerned, we have already submitted that the **office of TSO** as finalized by COAI **will be implemented at an early date** and will address the grievances of subscribers in an independent, simple, objective, transparent, expeditious and cost effective manner.

### **AUSPI:**

Our member service providers are already practising procedure for making complaints as laid down in the draft regulation and therefore procedure outlined for making complaints by the consumers given in the Draft Regulation appears to be OK, subject to our comments mentioned against various issues raised in the consultation paper.

### **National Consumer Helpline, Core Center & Voice:**

- A] Call centre must provide the contact details of NODAL OFFICER to the complainant.
- B] Nodal Officer must give INSTANT complaint number and the time frame for redressal when complaint is received ON PHONE.
- C] He should provide the contact details of APPEALATE AUTH if requested.

### **CREAT:**

The procedure outlined for making complaints is adequate and we do not have any comments on it.

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

- A] Call centre must provide the contact details of NODA OFFICER to the complainant.
- B] Nodal Officer must give INSTANT complaint number and the time frame for redressal when complaint is received ON PHONE.
- C] He should provide the contact details of APPELLATE AUTH if requested.

**Consumers' Forum(R) SAGAR:**

Procedures outlined for making complaints and solving them should be made mandatory. In addition to this these procedures and their followup should be added as a condition of licence.

**Consumer Care Society:**

:While the procedure is all right TRAI must make sure that service providers adhere to these on an ongoing basis and it is not a one time effort. This could be by surprise checks and audits carried out by TRAI or their accredited CAGs who must be so authorised.

**9. Do you agree that the proposed composition of appellate authority within the company is appropriate for (i) speedy and inexpensive alternative dispute resolution mechanism and (ii) maintaining transparency and independence? Please give your suggestions, if any, to further improve upon the proposal.**

**BSNL:**

No, we do not agree for the proposed composition of Appellate Authority within the company. It is recommended to have **service provider neutral common Appellate Authority** in place of each service provider establishing its own Appellate Authority. The existing Telecom Monitoring Cells of DOT could be assigned the responsibility to act as Appellate Authority for the whole of telecom sector i.e., for all telecom service providers. The Appellate Authority is going to adjudicate the matters in a quasi-judicial manner and hence it would be appropriate to give this power to a government body. Telecom Monitoring Cells are already functional, almost in every state and hence even proposed three months time can be done away with. If need be, geographically wider LSAs could have more than one branch of the Telecom Monitoring Cell so as to be within easy reach of the telephone subscribers in the LSA. Telecom Monitoring Cells are part of Licensor i.e., the Government of India and hence are service provider neutral and will apply common yardstick to decide the cases in respect of subscribers belonging to any of the service providers.

As mentioned in issue 4 above that the existing VTM cells are redressing the consumer grievances as per their work description.

**RELIANCE COMMUNICATIONS LTD:**

The Authority has suggested detailed procedures for ensuring the speedy and transparent disposal of consumer grievances. However, we feel that the service providers should be allowed to decide the composition, tenure and other aspects related to formation and functioning of appellate authority that best fulfill the need for providing speedy and effective redressal of customer's grievances. The appellate authority

appointed by the service provider from within his own organization would be well versed with the redressal mechanism to effectively respond to the customers' grievances.

**VSNL**

We suggest for Broadband service providers, Appellate Authority can be at central (one for entire country).

If required consumers can talk to appellate authority thru Video Conference

In case, the number of complaints coming to the level of Appellate Authority are found to be more, this can always be reviewed .

**TATA Teleservices Ltd:**

Please refer to our response to question No. 4 above.

**COAI:**

See answer to (4) above

**AUSPI:**

We donot agree with the proposed composition of the appellate authority as we believe that setting up of such a body would not achieve desired results.

As mentioned above, the appellate authority should be appointed from within the service providers' organization only. This would enable speedy, efficient and effective disposal of complaints. This appellate authority appointed by the service providers from within the organization would be well versed with the redressal mechanism and known within the organization and would be able to act and discharge function as an appellate authority effectively. The main objective of an appellate body is that it should provide speedy and inexpensive dispute resolution. In case the appellate authority is not part of the service provider, then it would only add to a layer without providing effective means for redressal.

The proposal should also be evaluated against industry's voluntary proposal for setting up an independent office of ombudsman. Therefore we strongly believe that creation of a parallel body by service providers would not serve any useful purpose.

**National Consumer Helpline, Core Center & Voice:**

A] designation need be changed to a more polite and friendly word.

B] ON\_LINE submission of Form A should be permitted.

C] Present duration does not INSPIRE SPEEDY disposal.

D] Not an ALTERNATE but the key DISPUTE RESOLUTION mechanism outside Courts.

**CREAT:**

The proposed composition of Appellate Authority is not properly made out. Transparency and independence cannot be ensured by appointing a single AA by the service provider. Hence we offer the following suggestion.

**The Appellate Authority should consist of THREE members:**

- A. The Chairperson should be a person of qualities mentioned in the Regulation.
- B. One should be the representative of the Service Provider
- C. One should be a representative of the Consumer Advocacy Group registered with TRAI.

In case a CAG registered with TRAI is not available in the Service Providers' area of operation a reputed Civil Society Organisation, Consumer Group or any other NGO working in the field of telecom can be nominated.

At least ONE person among the THREE should be a WOMAN

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

- A] Designation need be changed to a more polite and friendly word.
- B] ON\_LINE submission of Form A should be permitted.
- C] Present duration does not INSPIRE SPEEDY disposal.
- D] Not an ALTERNATE but the key DISPUTE RESOLUTION mechanism.

**Consumers' Forum(R) SAGAR:**

Our suggestions regarding composition of appellate authority is like this:

1. TRAI must select and give a panel of retired judges out of which service provider can choose an appellate authority.
2. an appellate authority each at district level should be established.
3. violation of TRAI regulations, orders and directives should be made an offense and a penal provision should be provided to punish the service provider and compensate the consumer.
4. customer service guarantee section in UK code of practice (CoP) is ideal.
5. licensee must have a website for CoP and it must be published in all its advertisement.

**Consumer Care Society:**

No. We do not agree with Chapter IV Paragraph 14 Page 38. The entire spirit and purpose of appointing an Appellate Authority by the Service Provider is totally unacceptable. This gives a legitimate doubt about the impartiality of the Appellate Authority since he is an appointee of the service provider and will be obliged to serve their interests. As an alternative to the TRAI draft we propose:

- i) The appointment and superintendence of the appellate authority should rest with TRAI. There should be a three Member Appellate Authority and a Secretary with a Secretariat.
- ii) Of the three Member Appellate Authority, one Member is also the Chairman and Presiding Officer and the other two are Members.
- iii) The service providers' body nominates one Member, TRAI one from among the CAGs and also TRAI nominates one as Member cum Chairman from among a panel of three suggested by the District Forums in the City where the service providers are situated on a request by TRAI.
- iv) It is very likely that there would be multiple service providers and in order to minimize and avoid having too many appellate tribunals the TRAI can constitute only one single Tribunal per each location which will hear all Appeals from all customers.

- v) The expenses involved in setting up the Appellate Authority should be met by the service providers' representative body.
- iv) If the consumer is not satisfied by the decision of the Appellate Authority, as there is no Institution of Ombudsman for telecom services in India, we propose that TRAI be the final authority for all such appeals from the consumers who wish to appeal against the decision of the Appellate Authority.

In the light of our views on the Appellate Authority and TRAI as the final authority, TRAI may have to rework some of the details depending on the extent to which our views get accepted by TRAI.

#### **10. What are your views on the procedure for disposal of appeal envisaged in the Draft Regulations for the appellate authority?**

##### **BSNL:**

Proposed procedure is agreed.

##### **RELIANCE COMMUNICATIONS LTD:**

We agree that redressal of consumer grievances escalated to the Appellate authority should be dealt with in a time bound manner to better serve the customers. The service providers should have the flexibility to individually modify the suggested process for disposal of appeal to enhance the functioning of their appellate authority in order to address the needs of consumers in a more effective manner.

##### **VSNL**

The entire procedure for the disposal of the appeal should be possible to be conducted by electronic means viz. by e-mail and subsequently the final order to be confirmed in writing by the Appellate Authority.

The provision regarding grant of compensation to the Appellant by the Appellate Authority would need to be examined from the legal perspective regarding the statutory basis of such compensation granting powers and the limit to which an Appellate Authority can grant any compensation to the consumer for non-redressal or delayed redressal of the complaint. Also, issues such as, in the eventuality that the service provider or the consumer is not satisfied with the compensation granted, then where would the appeal to such an order of the Appellate Authority lie, need to be addressed.

##### **TATA Teleservices Ltd:**

As submitted earlier, we are of the view that the **entire secretariat of appellate authority should be part and parcel of the service providers only**. The issue of public notice in the proposed regulation is not required. The time frame proposed to the appellate authority after receipt of reply from the service provider is not adequate to decide the appeal within one month from the date of filing. We feel this time frame should be increased to make it THREE months.

##### **COAI:**

See answer to (4) above

**AUSPI:**

Procedure appears to be in order, but need to be observed before finalizing the procedure and time frame for disposal of appeal.

**National Consumer Helpline, Core Center & Voice:**

- A] Provision for electronic submission of appeal and online tracking of complaints.
- B] Five days provided to secretary be reduced to two days for intimation of allotted number and copy to service provider
- C] Service provider must file the reply within a week
- D] Appellate Auth to decide appeal within FIFEN DAYS.
- E] Reporting requirements prescribed at point 18 under Chapter IV must be applied to NODAL OFFICER too Being the HUMAN FACE of service provider, he should be able to settle most of the cases.

**CREAT:.**

No comments

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

- A] Provision for electronic submission of appeal
- B] Five days provided to secretary be reduced to two days for intimation of allotted number and copy to service provider
- C] Service provider must file the reply within a week
- D] Appellate Auth to decide appeal within FIFEN DAYS.
- E] Reporting requirements prescribed No 18 must be applied to NODAL OFFICER too Being the HUMAN FACE of service provider, he should be able to settle most of the cases.

**Consumers' Forum(R) SAGAR:**

Procedure for disposal of appeal is correct and suits the requirement of consumers.

**Consumer Care Society:**

No Comments.

**11. What are your views on the suggested procedure of the “Manual of Practice for handling consumer complaints” being made accessible to consumers?**

**BSNL:**

The Manual should be published on the website of the concerned service provider.

**RELIANCE COMMUNICATIONS LTD:**

We are in harmony for having the Manual of Practice for handling customer complaints being made accessible to subscribers. However, the Manual of Practice for handling consumer complaints should not be voluminous and should be in a simplified form i.e. easily understood by the subscribers. The said manual can be made available at the web sites of the service providers/TRAI.

### **VSNL**

We suggest for Internet service providers, language of the manual can be English. Changes in regulatory, statutory and commercial laws of the country may prompt the Service provider to change (increase / decrease) tariffs within 6 months of acquisition of the customer. Hence, the same cannot be guaranteed.

For example, when there was an increase in Service tax from 10.2% to 12.24%, we had to transfer the additional cost to the customer.

### **TATA Teleservices Ltd:**

We welcome the suggested procedure of the “Manual of Practice for handling consumer complaints” being made accessible to consumers through internet. This would enhance customer awareness.

However, as mentioned above, we are of the view that the manual of practice for handling consumer complaints should not be voluminous and it should be in one language only [preferably in English]. The contents of this manual should be left upon to be decided by the service providers.

The said manual can be made available at the web sites of the service providers / TRAI.

### **COAI:**

- a. **The Manual of Practice should form part of the instruction manual at the Point of provision of service.**
- b. It should also be available on the **service provider’s website and all company outlets.**

### **AUSPI:**

We welcome the suggested procedure of the “Manual of Practice for handling consumer complaints” being made accessible to consumers through internet. This would enhance customer awareness.

However, AUSPI is of the view that the manual of practice for handling consumer complaints should be simple and easily understood by common consumers. It should not contain very technical and legal terms as consumer is generally not familiar with such terms. The said manual can be made available on the web sites of the service providers / TRAI.

### **National Consumer Helpline, Core Center & Voice:**

“Sales Outlet” Para (o) 3 on page 45 be amplified to “ available with every pre-paid recharge card at sales outlet” and along with post paid bills.

### **CREAT:**

Comments already given above

### **VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

“Sales Outlet” Para (o) 3 on page 45 be amplified to “ available with every pre-paid recharge card at sales outlet”.

**Consumers' Forum(R) SAGAR:**

Giving access for manual to consumer should be made compulsory and it should be widely publicized.

**Consumer Care Society:**

No Comments.

**12. What are your views on the procedure detailed in the Draft Regulation No.22 for providing usage details in respect to pre-paid mobile consumers?**

**BSNL:**

The Draft Regulation No. 22 is agreed but decision about reasonableness of price should be left to the service providers.

**RELIANCE COMMUNICATIONS LTD:**

While the prepaid customers are able to view their balance after every usage, there are technical issues involved in providing usage details for prepaid customers, which will need to be evaluated before making this facility available to such subscribers.

**VSNL:**

Not applicable for Broadband services. However, internet Service provider can make available the usage details to all the Broadband customers on their website. Consumers can see the usage details for specified period after authentication.

**TATA Teleservices Ltd:**

The usage details in respect of pre-paid subscribers should not be mandated as service providers are already providing balance after each call/other application usage besides there being number of technical issues.

**SIFY LTD:**

No comments

We sincerely believe that our views expressed in this response will be given due cognizance and will play a role in formalizing the draft regulation subsequently leading to a better consumer grievance redressal mechanism. We would be eagerly looking forward for any further queries from your good office and further interaction in this regard.

**COAI:**

It is submitted that it is **not practically feasible for service providers to provide usage details** in respect of pre-paid mobile consumers and that the same if done for individual requests will involve **inordinate amount of effort, time and cost to the service** provider besides **disruption of normal functioning of the network**. The additional cost involved will be quite substantial and will have to be borne by the concerned subscriber.

**AUSPI:**

AUSPI feels that usage details in respect of pre-paid subscribers should not be mandated as service providers are already providing balance after each call/other application usage besides there being number of technical issues.

**National Consumer Helpline, Core Center & Voice:**

This is radical move which will infuse confidence / satisfaction in subscribers and boost the image of service providers and lead to a friendly regime.

**CREAT:.**

No comments

**VOICE (Col S N Aggarwal[Retd] Telecom Advisor):**

This is radical move which will infuse confidence / satisfaction in subscribers and boost the image of service providers and lead to a friendly regime.

**Palakkad District Consumers' Association :**

**(PA. Surendran , (Consumer Advocacy Group Member ,TRAI))**

Few important points : Section 22 in page no.45

1) The proposed Draft regulations defining the institutional mechanism for redressal of consumer grievances are very exhaustive . Section 22 in page no.45 , I have to supplement that the Internet usage charge and SMS charge . Because the progress of the Science and Technology the GPRS customers can avail the above mentioned service on Pre-paid .

**Consumers' Forum(R) SAGAR:**

We welcome that regulation and it will definitely help the consumers.

**Consumer Care Society:**

No Comments.