

Consumers Guidance Society, Vijaywada, Andhra Pradesh

Issues for Consultation TRAI

1. Is the complaint redressal Mechanism, as presently existing adequate or is there a need to strengthen it?

The present complaint redressal Mechanism is grossly inadequate and ineffective for various reasons, which include inter-alia: indifferent attitude of the TSPs, stereotype disposal of complaints by completely ignoring merits of each case, non-accessibility of toll free numbers in most of the cases, limited role assigned to consumer advocacy group members in the functioning of the Appellate authority etc., Hence, it is imperative that there is an urgent need to strengthen the existing system of redressal Mechanism to inspire the trust and confidence of telecom subscribers.

2. Are there any specific changes that can be made to the existing system?

The existing system has several lacunae and therefore, naturally it doesn't inspire the trust and confidence of consumers. A complaint Audit system should be conducted annually by an accredited independent agency in regard to complaints disposed of by the complaint centers of each T.S.P by taking inputs and satisfaction levels of complainants concerned. This will invariably strengthen the transparency and accountability in the system. The material papers right from the inception of the lodging of the complaint center landing up to appeal in each case must be sent to the consumer advocacy member on the advisory council of the TSP for enabling him or her to give his informed opinion. Further, the consumer advocacy member must be obligated to give his / her advice in writing as it would undoubtedly curb the practice of nominating pliant consumer advocacy members toeing the line of TSPs

3. Should a separate – independent and appropriately empowered structure to resolve telecom sector complaints and grievances be established?

A separate independent intermediary redressal agency should be established for ensuring timely, inexpensive and expeditious disposal of complaints and grievances of telecom subscribers for inspiring the trust and confidence of telecom subscribers.

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

The TSPs should establish a consumer redressal body in each licensing area consisting of a representative of their bodies and a renowned consumer or social activist / representative of a leading consumer organization with a background of espousing consumer interests for at least 10 years. The consumer redressal body must be conferred with jurisdiction to try and decide all the disputes arising in between TSPs and Telecom

subscribers having pecuniary value of not more than Rs. 10 lakh in a time bound manner not exceeding 45 days in any case. The body should be empowered with power to initiate mediation, conciliation and adjudication. In the event of failure of mediation, conciliation, the body should be empowered to pass an award. Its award should be made binding only on the service provider. Disputes above Rs. 10 Lakh in value and appeals from the decisions of consumer redressal bodies should be referred to the Telecom Ombudsman by adopting the system currently prevailing in the banking sector.

5. Is establishing an office of Telecom Ombudsman an option that should be revisited, especially given the experience of the past few years of increasing number of complaints?

Yes, it is definitely an option to be seriously explored and therefore it should be revisited in the light of ever increasing number of complaints and monumental dissatisfaction and discontentment of Telecom Consumers about the present make believe in-house redressal mechanism of TSPs.

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

A scheme in the nature of Banking Ombudsman may be emulated by internalizing it as a part of the Telecom Regulator as experience has shown that it has been found to be working satisfactorily. It should be established in all the centers similar to Banking Ombudsman. It should be funded by the TSPs as well as the regulator. It should have authority to deal with all the disputes arising in between TSPs and Telecom subscribers having pecuniary value in excess of Rs.10,00,000/- (Rupees Ten Lakhs only) and further armed with power to hear and decide appeals from the decisions of consumer redressal bodies established jointly by the TSPs. The powers, functions, duties and responsibilities should be similar to the banking ombudsman already in vogue. The Telecom Ombudsman should also be empowered to inquire into unfair Trade Practices indulged in by TSPs either Suo-moto or upon the lodging of a complaint either by an aggrieved consumer or a public spirited consumer group / society / association. Hence, it is suggested that the banking Ombudsman may be replicated with necessary modifications whenever expedient.

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