

ISSUES FOR CONSULTATION

**Consumer Guidance Society of India, Mumbai
M.S. Kamath,**

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

Answer: It is reasonably adequate, but it certainly needs to be strengthened to give the Consumer better services.

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

Answer: The present Grievance Redressal System has a Call Centre which is followed by escalation to an Appellate Body which is manned by a Company Officer + a CAG (Consumer Advisory Group). Consumers are wary of this Faceless Body and unaware of its methods of operation. In spite of this, substantial numbers of complaints are solved by this Appellate Body to the satisfaction of all.

There is need now to set up a higher echelon which can give better and stronger redressal to grievances.

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

Answer: Yes.

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

Answer: This should be a two-tiered structure:

- a. A Mediation and Conciliation Cell consisting of one Officer from the Company and one from a TRAI empowered CAG, should be the first port of call.

b. An Ombudsman should be appointed above this Body to decide on vexatious matters and give decisions in complicated matters involving principles and points of law only. These decisions should then be used as a precedent by the Mediation Cell to settle future disputes.

Reasons: The Ombudsman should be sitting in the Capital City of each State. It would not be possible for him to visit every District, Taluka and small towns & villages. Experience of other Industry Ombudsmen has shown that they tend to be bogged down in 'technicalities' as they look upon themselves as 'Judges' who should be 'as right as possible' in all aspects. The procedure of delivering justice hence gets delayed over a period of time, and backlogs are a consequence.

Mediation and Conciliation (M & C), on the other hand is a simple, cost-effective and efficient method of adjudicating Telecom Disputes – most of which involve petty sums of money. In addition, they bring both parties to an amicable settlement closing the dispute forever. The Complainant must be given permission to visit the M & C Office or get in contact with them on Skype which must be provided by the Service Provider at their local office in the city/town/village of the Provider, free of cost. Meetings can be set up in advance with the CAG & Officer of the Provider and decisions can be quick and often, instantaneous. The Service Provider must pay a Token Cost to the CAG for providing its services.

Any dispute not settled by the process of M & C may be referred to the Ombudsman as stated above. This will lead to a 'Win-Win' situation where everybody gets quick relief and satisfaction.

Q5: Is establishing an Office of Telecom Ombudsman an option that should be revisited, especially given the experience of the past few years of increasing numbers of complaints?

Answer: Yes, subject to the answer to Q. 4 immediately hereinabove

Q6: If yes, how should it be created – the legal framework? What should be its structure? How should it be funded? What types of complaints should it

handle? What should be its powers, functions, duties and responsibilities?

Answer: a. it should consist of a Retired High Court Judge, ideally.

b. it should act to give decisions on `principles' and law points only.

c. It should be funded by TRAI.

d. It should follow principles as stated in b. above.

e. It should have the powers to give Awards, which can act as precedents for the M & C System.

Conclusion:

In short, the system should encourage M & C with the Ombudsman acting as a friend, philosopher & guide and trendsetter to the System. There should be no pressure on the Ombudsman to attend to small and nitty-gritty of minor complaints once th above is implemented.