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FEDERATION OF CONSUMER AND SERVICE ORGANIZATIONS

Promoted exclusively to deal with the pressing issues..

(Regd. No.CAG/01/2016 as a Consumer advocacy group with TRAI)

No.5, 4th Street, Lakshmipuram,
Tiruchirappalli – 620 010. T.N. State .

The Chairman,
Telecom Regulatory Authority of India,
New Delhi – 110 001.

30th, July, 2016

Kind perusal to: Shri Sanjeet Singh, Advisor
(Consumer Affairs)

Sir,

Sub: forward our suggestion on consultation paper in Complaints/ Grievance Redressal in the Telecom Sector – reg:

We learned with immense happy that the TRAI seeks consultation on very important Consumer Grievance Redressal issue. We very glad in forwarding our suggestion for your kind consideration and necessary action:

ISSUES FOR CONSULTATION

3.1 Detailed and reasoned comments on the following issues are requested:

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

- Not adequate the general view; that the Telecom Consumer Grievance Redressal System is very weak in our country and it has to be improved and strengthen considered the Hon'ble Supreme Court of India had barred the aggrieved telecom consumers to approach the Consumer Forum even the sub section 8 of section 14 of TRAI Act, 1997 speaks about handling individual consumers grievance through Consumers Redressal Forum and the Order of Hon'ble Supreme Court of India in Indian Medical Association Vs. Shantha case. The Apex court observed the Consumer Act is in addition to the law existing in force.

We are also is having so many reservation in functioning of present Consumer Redressal System, which is sidelined from its original objects and aspirations in

settling the disputes within 90 days and plead in person without any court fee. Now it is taking years together, dominating by advocates and the big companies are having hidden policy which “loses at lost”. The appeal will go up to Supreme Court and plight of common telecom consumers; that they could not go for such level to solve the small disputes.

So, the present system will be strengthening within the line of Electricity Consumer Grievance Redressal Forum with some power and teeth.

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

At present, the service providers themselves are having their own system to redress. But it is not redressing the grievances; they are giving stereo type and evasive reply.

We want to improve telecom consumer grievance redressal mechanism and this may extent to television consumers, which also comes under the dominos of this Regulator.

Under the existing regulation, the telecom regulator has set up a two-tier complaint redressal mechanism comprising the call centre at the first level and an appellate authority at the next.

TRAI has also provided for a two-member advisory committee that vet all the complaints received by the appellate authority and gives its recommendations.

TRAI has allowed operators to set up the entire system. So, the call centre or complaint centre will be set up by the operator, the appellate authority will be appointed by the operator and the two members for the advisory committee will also be chosen by the telecom company.

Our strong opinion and from our rich experience; the existing system is ineffective, therefore, we suggest the following:

1. We also accept that the present grievance redress through Consumer Redressal Forum seems as costly and lengthy for small issues. So; even if the Hon’ble

Supreme court modified its order; the Consumers may not be approached Consumers Forum; if the service providers accept the reasonable redressing system by improving existing one; it could help to the telecom consumers as well as service providers. They aware this from the past experiences, in which they have to appear before the consumers' court to response every day.

2. The two-member advisory committee instead of provide recommendation to Appellate Authority; it would be empowered to pass order in the line of Electricity Consumer Grievance Redressal Forum. If any dissident/ split view; it may forward to another member of the Consumer Advocacy Group for his view; based on the majority view will be taken to consideration.
3. The Authority would nominate the members for the advisory committee to respective service providers instead of present practice; which allow to telecom companies choices. It is very normal; that the Service providers would choose /nominate those who are within their good books.
4. It is also alleged at the Southern Regional Workshop held at Kodaikkanal on 29th, July, 2016, the few service providers obtain suggestion from the CAG advisors after disposed the appeal.
5. The list of Advisory penal may be hoisted with the TRAI as well service providers' website.
6. As advised by the TRAI officials at Southern Regional Workshop held on 29.07.2016 at Kodaikkanal, the service providers should print about the redressal mechanism within their bill and other documents to create awareness.

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

The dispute between telecom consumers and service providers are seems very small; for this issue, the consumer unable to follow the legal procedures and follow-ups. As per our view it is not require. If aggrieved even after the order passed by the

appellate authority, they may move to the Consumers Courts. We are taking initiative to modify the Hon'ble S.C. Order.

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

Not applicable..

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?

The numbers of telecom consumers are ever increasing as informed this introduction it crossed to one billion. There is no proper consumer complaint redressal system, the service providers are giving evasive replies, the telecom consumers have lost hope with the existing systems; these are all reasons for increasing the consumers complaints. If proper redressing system and wide publicity on complaint redressing system and spreading success stories among the consumers; there are possibilities to reduce the numbers of the complaints.

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?

It seems as lengthy and it faces so many legal battles. Therefore, the immediate and easy solution is to strengthen the present system as we mentioned.

W thanks and regards.

M. Sekaran,
President.

