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(Promoted exclusively to protect the interest of litigants)

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Date :

To

The Chairman,
Telecom Regulatory Authority of India,
New Delhi – 110 002.

07th, June, 2016

Kind attn to: Prof. M. Kasim, Advisor (B&CS)-III,

Dear Sir,

Sub: Forward our view on Consultation Paper on Issues related to Quality of Services in Digital Addressable Systems and Consumer Protection Dt.

18.05.2016

We most respectfully submit the following as our view in the above “Consultation Paper” especially in the interest of Consumers those who are facing grievance with service providers:

1. In recent statistics around 100 million subscribers/ consumers are availing the service. All service providers are speaking with sweet tongues on consumer redressal as quoted by Father of our Nation Shir Mahathma Gandhiji. He speaks about the consumer importance to the service providers as “ Consumer is the most important victors of our premises.
2. But, there is no system available to redress the consumer complaint other than Self Redressal System of the Service Providers that too through hidden mechanism, ie. Through online. No person is available in hearing, clearing doubts and redress other than BSNL.
3. The Telecom Consumer Grievance Redressal System is very week in our country. At present, the services providers themselves are having own system to redress in

the name of Nodal Officers as well as Appellate Authorities only comply the statutory obligations. But, they are originally not redressing the grievances.

4. The TRAI advice to the telecom consumers to approach the Consumer Forum for Redressal, if the consumer not satisfied with the Redressal system of Service Providers.
5. But unfortunately/ errantly, the Hon'ble Supreme Court had bared the telecom consumers in approaching Consumer Forums for their redress considering Justice Markandey Katju had passed an Ex-parte order in the case of General Manager Telecom Vs. M. Krishnan.
6. The Order directed the Telecom Consumers to seek remedies through the Indian Telegraph Act, 1885 by barring remedy through Consumer Protection Act, 1988.
7. There is no action was initiated by the Govt. to file judicial review or any other suitable petition before the Hon'ble Supreme Court to modify the order.
8. The large bench of Hon'ble Supreme Court of India in the case of Indian Medical Association Vs. Santha, it had clearly observed that the Section 3 of the Consumer Protection Act is the provisions of the Act shall be in addition to and not in derogation to any other provisions of any other law for the time being in force. Having due regard to the scheme of the Act and purpose sought to be achieved to protect the interest of the consumers.

OTHER MODE OF REDRESSAL:

9. Some of the Consumer activists view that at the present Consumer Forums are subject to heavy dominations and influence of advocates, redress and justice not easily available to the aggrieved at this Forums.
10. Apart even the provisions in appearing consumers directly with a mere petition are within the paper and not in practical now.
11. We also conceded this view; now the disposals of Consumer Complaints are taking years together under heavy fees to be paid to the lawyer and subject to influence of the lawyers. The present system of Consumer Forum may not suitable for redress small issues.

12. In such case, we suggests to empower to the Appellate Advisory Committee to pass appropriate order on consumer complaint as follows by Electricity Consumer Grievance Redressal Forum instead of giving suggestion in disposing the Consumer Complaint.

13. This will also help to the Service Providers to defend their cases before the Consumers Forums, they have to face large numbers of cases in different parts of their service territorial. Instead, they allow such improved own system will help to the Consumers as well as service providers.

In the above submissions and facts, we appeal before the Telecom Regulatory Authority of India to consider the following suggestions to protect the large numbers of telecom consumers which spread to gross route level as follows:

- i. **To consider in setting up Consumer Forums specifically for telecom consumers in the line of Electricity Consumer Grievance Redressal Forum in taking consideration of the numbers of telecom consumers are increasing day by day and they are facing so many problems by empowering Appellate Advisory Committee to pass appropriate orders instead of mere advise and**
- ii. **To take appropriate action to file a review or suitable petition before the Hon'ble Supreme Court of India in modifying the order (which is barring aggrieved telecom consumers in approaching Consumer Forums) getting its node in filling deserving complaint before the Consumers Forums.**

Thanking You, Sir,

Yours Sincerely,

A.Rajan,

Secretary.

Copy forwarded to: The Chief Electoral Officer, Tamil Nadu : for his consideration.