



MUMBAI GRAHAK PANCHAYAT

Public Charitable Trust Regn. No. F-7000, Mumbai • Society Regn. No. 417/8/GBBSD

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20th August 2016

To,
Shri. Sanjeet Singh,
Advisor (Consumer Affairs),
TRAI

**Sub: Comments / Suggestions on Consultation Paper on
Complaints/ Grievance Redressal in the Telecom Sector**

Dear Sir,

Greetings from Mumbai Grahak Panchayat (MGP).

We refer to the consultation paper inviting public comments on the "Complaints/ Grievance Redressal in the Telecom Sector".

We are the registered voluntary consumer organization active in the field of consumer education and consumer protection for last more than 41 years.

As desired, we are attaching herewith our Comments/ Suggestions on this consultation paper.

Kindly acknowledge,

Thanking you,

Yours faithfully,

Adv. Shirish V. Deshpande
Chairman

Varsha Raut
Head- Advocacy & Campaign

Encl: As above

Comments / Suggestions on Consultation Paper on Complaints/ Grievance Redressal in the Telecom Sector

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

Ans: Present Redressal system is definitely inadequate. There is a need to not only strengthen the existing Complaint Redressal mechanism but also need to modify the same.

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

Ans: Yes. As stated in the next answer.

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

Ans : Yes. We earnestly feel that, a separate - independent and appropriately empowered - structure to resolve telecom sector complaints and grievances be established

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

Ans: We suggest that the structure should be based on the lines of Complaint Grievance Redressal Forum (CGRF) under Electricity Act 2003. This Redressal mechanism is a 3-tier redressal mechanism. Though, not publicized enough, this mechanism has given relief to consumers in solving their day to day matters.

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?

Ans: Yes, We strongly feel that option of an Office of Telecom Ombudsman should be revisited.

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?

Ans: Although we have suggested in answer 4, that Telecom Complaint Grievance Redressal machinery be established on the line of Electricity sector, we have a few suggestions on the same.

1) The proposed Complaint Grievance Redressal Machinery for telecom sector should be as follows:

- a. *Internal grievance Redressal (IGR) – 1st Authority to be created by each Telecom Licensee for redressal of complaints.*
 - b. *Consumer Grievance Redressal Forum (CGRF)– If complaint is not solved at IGR level, consumer can approach CGRF which will be an independent quasi- judicial body.*
 - c. *Ombudsman – The aggrieved party (Licensee or consumer) unhappy with the CGRF’s decision can approach Ombudsman. Unlike, Electricity Act, where only consumer can approach Ombudsman and Licensee has to approach High Court, we feel that there should be level playing field and thus any aggrieved party should approach Ombudsman only.*
 - d. *TDSAT- The Party aggrieved with Ombudsman and involving any law point may approach TDSAT.*
 - e. *Supreme Court – The final Authority will be Supreme Court.*
- 2) *Qualification of members- We suggest that all the members will be independent members. The technical member too should be independent with a degree in Telecommunication and not connected with the Licensee. (The Electricity Act has provided technical member who is employee of Distribution Licensee. We feel that, it becomes difficult for such member to give independent decision when he is already in a job with that same company.)*
- 3) *Class Action: – We feel that there should be provision of Class Action where a single consumer or a regd. consumer organization can complain on behalf of numerous consumers having a same grievance.*
- 4) *Fee- The fees charged should be minimum for the consumer when he has to go in to Appeal.*
- 5) *Standard of Performance & Penalty- The Regulations should cover the Standard of Performance (SOP) for the Licensee to perform his duties and the Penalties to be charged for the deficiency or inaction on his part.*
- 6) *Amicus Curie – Advocates should not be allowed at IGR & CGRF. Consumers may be provided with the Amicus Curie to solve his complaint as consumer is not well versed with the knowledge of law & regulations therewith.*
- 7) *Suomotu Complaint – The Complaint Grievance Redressal Forum should have suomotu power to take cognizance of the complaints.*
- 8) *The proceedings should not be governed by Code of Civil Procedure or law of evidence but be based on principles of natural justice.*
- 9) *Funding- As mentioned in Consultation Paper in Point No 5 (d) “A very negligible percentage of the revenue of the service providers (for less than 0.01%) will be sufficient to meet the expenses”. We too, concur with this view and suggest that the same should be adopted for the Complaint/ Grievance Redressal mechanism.*

