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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 11th SEPTEMBER, 2013

TELECOM CONSUMERS COMPLAINT REDRESSAL (SECOND AMENDMENT) REGULATIONS, 2013 (11 OF 2013)

No. 305-20/2009-QoS -----In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of subsection (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012), namely:-

1. (1) These regulations may be called the Telecom Consumers Complaint Redressal (Second Amendment) Regulations, 2013.
(2) These regulations shall come into force from the date of their publication in the Official Gazette.
2. In regulation 3 of the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012) (hereinafter referred to as the principal regulations), ---

(a) in sub-regulation (1), after third proviso, the following proviso shall be inserted, namely:-

“Provided also that the Complaint Centre shall register appeal, if any, preferred by the consumer through Consumer Care Number.”

(b) for sub-regulation(5), the following sub-regulation shall be substituted, namely:-

“(5) Every service provider shall earmark or allot sufficient telephone lines or connections to the “Consumer Care Number” and ensure that its

Complaint Centre is accessible to its consumers in person as well as through voice call, email and post.”

(c) in sub-regulation (9), in clause (b), for the words “the broad categories of complaints and service requests”, the words “appeal and the broad categories of complaints and service requests” shall be substituted.

3. In regulation 7 of the principal regulations, in sub-regulation (3), in clause (b), for sub-clause (i), the following sub-clause shall be substituted, namely:-

“(i) communicate to the consumer, through SMS or email or post, the details of action taken on the complaint and the procedure for preferring appeal to the Appellate Authority; and”

4. In regulation 9 of the principal regulations, for sub-regulation (2), the following sub-regulation shall be substituted, namely:-

“(2) A consumer may prefer an appeal under sub-regulation (1) either directly to the Appellate Authority through email or facsimile or post or in person, or through the Consumer Care Number of the complaint centre established by the service provider.

Explanation: For the purpose of this sub-regulation post includes courier.”

5. In regulation 14 of the principal regulations, for sub-regulation (4), the following sub-regulation shall be substituted, namely:-

“(4) On disposal of the appeal, the secretariat of the Appellate Authority shall intimate the decision, through SMS or email or post, to the appellant and the service provider.”

6. In the principal regulations, the “CHAPTER V” shall be numbered as “CHAPTER IV” and the “CHAPTER VI” shall be numbered as “CHAPTER V”.

(Rajeev Agrawal)

Secretary

Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 5th January, 2012 vide notification number No. 305-20/2009-QoS dated the 5th January, 2012.

Note.2. —The principal regulations were amended by issuing the Telecom Consumers Complaint Redressal (Amendment) Regulations, 2012 (3 of 2012) dated the 11th January, 2012.

Note.3. —The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Complaint Redressal (Second Amendment) Regulations, 2013 (11 of 2013) dated the 11th September, 2013.

EXPLANATORY MEMORANDUM

1. Effective redressal of consumer complaints is of prime importance for TRAI. While the measures taken by TRAI so far have been, by and large effective, the effort in this regard is a continuous process and requires to be reviewed from time to time to improve the effectiveness of complaint redressal. The Telecom Regulatory Authority of India issued the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012) on 5th January, 2012 to improve the effectiveness of complaints redressal for the telecom consumer by the service provider.

2. In Chapter-II of these regulations, procedure for handling of complaints by complaint center of service provider has been prescribed. However, TRAI has received representations from consumers and consumer organisations that the information about Appellate Authority is not easily available to consumers. During various Consumer Outreach Programmes organized by TRAI across 20 cities in the country, TRAI received inputs that the complaint and appeal handling mechanism should be made more accessible to the consumers. The complaint centre was accessible only through the Consumer Care Number and General Information Number and no accessibility through e-mail or in person was mandated under these regulations. Also, while analyzing the Consumer Grievance Redressal Reports submitted by service providers to TRAI on quarterly basis, it is seen that no appeals were received by Appellate Authorities appointed by service providers in spite of a large number of complaints not redressed or resolved at complaint centre level. This could also be due to non-awareness about the Appellate Authority to consumers. Also, the Appellate Authority was not accessible through Complaint Center or in person.

3. To address these issues, it is prescribed through these amendment regulations that the Complaint Centre shall also be accessible to consumers through e-mail, post and in person. The accessibility of the complaint centre in person could be facilitated by service providers through customer service centres, sales outlets, brand shops, relationship centres, touch points etc. However, these access points should be able to acknowledge the complaint and

issue the docket number as per the regulations. To bring the accessibility of Appellate Authority closer to the subscribers, the registration of appeals through the Complaint Center has been facilitated. However, such appeals should be made only after unsatisfactory redressal of the complaints through the complaint centers. Appeals can be registered only after getting the docket number of the complaint lodged with the complaint centre. It is also prescribed that after completion of action on a complaint the service provider shall communicate clearly to the consumer through SMS, or e-mail, or post, the details of action taken on complaint and procedure for filing appeal through Consumer Care Number, in case he is not satisfied with the redressal of his complaint. The Authority feels that this will increase awareness about the mechanism of Appellate Authority and also facilitate easy filing of appeals, which will lead to satisfactory resolution of complaints.