



**Telecom Regulatory Authority of India**

**Consultation Paper on  
the Redressal of Consumer Grievances  
and Consumer Protection in Telecommunication  
(Consultation Paper No. 01/2007 dated 03.01.2007)**

**3<sup>rd</sup> January 2007**

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## **PREFACE**

With the opening up of the telecom sector to competition with licenses for a number of services being granted, the telecom sector has seen a tremendous growth in the recent past both in terms of number of operators and subscriber base. With such high growth in any sector some teething problems for stakeholders are always expected. In telecommunication also, alongwith the growth, there are problems for the stakeholders, but the biggest problem is for the consumers.

2. TRAI Act, provides that TRAI shall lay down standards of quality of service to be provided by the service providers, ensure the quality of service, and conduct periodical surveys of such services provided by the service providers so as to protect the interest of the consumers. TRAI Act does not cast any obligation for redressal of individual consumer complaints and they are to be addressed by the consumer courts or any other appropriate forum. Only disputes between service providers and group of consumers fall for redressal in the domain of TDSAT. However, TRAI does take cognizance of complaints of generic nature i.e complaints affecting large number of consumers. These are take-up with the service providers for resolution of redressing generic/ systematic problems. The complaints received by the authority from consumers in this category pertain mostly to faults, non refund of security deposit, billing issues and also certain unhealthy practices adopted by service providers.

3. One of the recurring grievance brought before the Authority by the consumers is lack of information relating to where and how to lodge grievances, the responsible company executives of the service providers to be contacted/ approached for redressal of grievance and the time period by which the grievance will be resolved. Department of Telecommunications has mandated that service providers have to set up Consumer Grievances Redressal Mechanism (a) at the Call Centre level and (b) an Appellate Authority within the company. Through the Common Charter of Telecom Services finalized mutually between consumer organisations and service providers under the aegis of TRAI, human interface with responsible company executives (Nodal Officers) has been made possible and the details of these Nodal Officers are available on the website of the service providers and on the TRAI website. Also, these details are printed on the reverse side of the bill. However the Authority based on the feedback from consumers find that the redressal mechanism stipulated is followed more in breach than compliance. This view of the Authority was further supplemented during interaction with representatives of Consumer Advocacy Groups (CAGs).

4. Therefore, in order to raise the level of satisfaction of consumers there is a need to deliberate the issue and seek comments from the stakeholders for evolving a well defined institutional mechanism including

procedure and practices for handling consumer complaints and their speedy and effective resolution as is prevalent in many countries across the world. The consultation paper raises the problems and also the possible solutions for offering comments by stakeholders before drawing a final blue print. It is in this background, the Authority has issued this Consultation Paper seeking views of all stakeholders.

5. I am quite hopeful that this paper would provide the necessary platform for discussing this important issue and would enable us to make significant improvements in the orderly growth of the telecom sector taking into account the interests of service providers as well as consumers of telecom services, as envisaged in the TRAI Act of 1997. The consultation paper has already been placed on TRAI's website ([www.trai.gov.in](http://www.trai.gov.in)).

6. It is requested that written comments on this consultation paper may please be furnished through e-mail/ Fax/ letter by 23<sup>rd</sup> January, 2007. For any further clarification, Shri M.C. Chaube, Advisor (QoS), TRAI may be contacted on Telephone No. 011-23230404 or e-mail [chaubemc@trai.gov.in](mailto:chaubemc@trai.gov.in) or Fax No. 011-23211998.

**New Delhi.**

**Dated 3<sup>rd</sup> January, 2007.**

**(Nripendra Mishra)**

**Chairman, TRAI**

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# **CHAPTER 1**

## **Introduction**

1.1 The telecom sector in India, especially the cellular mobile service is experiencing exponential growth with approximately 6 million connections being added every month. In the basic service the growth is very marginal. The broadband is expected to register better growth rate in the year 2007-08 with introduction of Wireless Broadband Access, 3G and penetration of ADSL etc. With such high growth in any sector some teething problems for stakeholders are always expected. In the telecom sector, alongwith this high growth, the consumer complaints have also multiplied tremendously. The matter has been further complicated with the frequent change in tariff plans and value added services. The complaints from consumers mostly relate to tariff matters, billing issues, refund of security deposit, poor quality of service etc.

1.2 Section 11(1)(b)(v) of the TRAI Act, 1997, mandates the Authority to “lay-down the standards of quality of service to be provided by the service providers, ensure the quality of service, and conduct periodical surveys of such service provided by the service providers so as to protect the interest of the consumers of telecommunication service.” In view of this mandate and the powers conferred upon it, TRAI has laid down the Quality of Service Regulations on (1) Basic Service and Cellular Mobile Service; (2) Code of Practice for Metering and Billing Accuracy; (3) Broadband Service; (4) Dial-up and Leased Line Internet Access; and (5) VOIP based International Long Distance Service. These regulations prescribe the parameters related to the network performance, support services, billing and customers’ perception of service.

### **Provisions in the TRAI Act, 1997 vis-à-vis Consumer complaints**

1.3 As per the Act, Telecom Disputes Settlement and Appellate Tribunal (TDSAT) has been given the responsibility of dispute resolution. Section 14 of the Act reads as follows:

#### **“14. Establishment of Appellate Tribunal**

The Central Government shall, by notification, establish an Appellate Tribunal to be known as the Telecom Disputes Settlement and Appellate Tribunal to:

(a) adjudicate any dispute:

- (i) between a licensor and a licensee;
- (ii) between two or more service providers;
- (iii) between a service provider and a group of consumers;

PROVIDED that nothing in this clause shall apply in respect of matters relating to:

(A) the monopolistic trade practice, restrictive trade practice and unfair trade practice, which are subject to the jurisdiction of the Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);

(B) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or the National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986 (68 of 1986);

(C) the dispute between telegraph authority and any other person referred to in sub-section (1) of section 7B of the Indian Telegraph Act, 1885 (13 of 1885).

(b) hear and dispose appeal against any direction, decision or order of the authority under this Act.”

1.4 Addressing individual consumer complaints does not come under the purview of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) under section 14 of the TRAI Act, 1997. The TRAI Act does not provide for the Authority to hear individual complaints and award suitable relief. Accordingly, individual consumer complaints are forwarded to the concerned service provider for redressal. The customer has the option to seek relief in the appropriate consumer forum, in case he/ she is not satisfied with the redressal by the service provider. The TRAI has the mandate to lay down the Quality of Service standards and to ensure such Quality of Service standards so as to protect the interest of consumers. TRAI can also look into various complaints of generic nature regarding violation of its Orders/ Directions/ Regulations.

1.5 The benchmarks for various parameters defined under the Quality of Service Regulations provide for service providers to achieve certain levels of performance. To ensure that service providers are really achieving these levels of performance, TRAI has engaged an independent agency to audit the data furnished by the service providers to TRAI and also to conduct survey of the levels of performance of the service providers. The reports of the agency were published from time to time by TRAI to create quality consciousness amongst the service providers as well as the consumers of telecom services. However, the impact till date is limited.

### **1.6 Existing Institutional Mechanism for Handling Consumer Complaints:**

The forums available for redressal of the grievances and settlement of complaints are:

(i) The Indian Telegraph Act, 1885, provides for appointment of arbitrators to handle disputes between service providers and subscriber. However, this is tedious and time consuming.

(ii) The Consumer Protection Act, 1986, was enacted to address complaints from consumers. The Act provides for Consumer Dispute Resolution Forum at the district level, State level and National level. The legal process involved here has 3 tiers. This legal process for redressal of complaint is both time consuming and expensive considering the stake involved.

(iii) As per the Department of Telecom (DoT) direction, dated 22 September 2005, all access service providers have to set up Consumer Grievances Redressal Mechanism (a) at the Call Centre level and (b) An Appellate Authority within the company.

(iv) In the website of DoT there is an item on public grievances, which provides that “Telecom services are being provided in the country by government PSUs viz. MTNL/ BSNL and Private operators to whom the government has issued licence. These companies have their own consumer grievances redressal mechanism and are primarily responsible for redressal of all types of complaints of their consumers. However, in case the complaints are not redressed, Department of Telecom (DoT) has a Public Grievance Cell at Sanchar Bhawan, New Delhi, which receives various types of complaints related to telecom services and takes these up with the concerned service provider for redressal”. The details of the Public Grievances Cell of DoT are available on the DoT website <http://www.dot.gov.in/pgcell.htm>

(v) By virtue of Section 11 of the TRAI Act and the ‘Regulation on Guidelines for Registration of Consumer Organisations/ Non-Government Organisations (NGOs) and their interaction with TRAI, 2001’, certain consumer organizations/ NGOs were registered with TRAI on the basis of certain rules governing the registration. By and large, consumer organisations/NGOs with sufficiently strong background in the telecom sector were permitted to be registered with TRAI. The Authority (TRAI) interacts with these organizations on a regular basis. After issue of this Regulation, a number of workshops, seminars and interactive sessions have been organized. TRAI further endeavors to develop these organisations so that they act as eyes and ears for the Authority to give feedback on the consumer satisfaction and perception. To achieve this objective, Authority shares information with these organizations in order to enable them to make valuable contribution in our drive to provide quality service to consumers. TRAI in consultation with the Consumer Advocacy Groups (CAGs) and Service Providers had developed a Common Charter for Telecom Services and this was released by TRAI on 24 February 2005 for adoption by all the Telecom Service Providers. The Charter is a voluntary declaration of the Service Providers to promote their services in the best spirit of competition and tradition of service. As per the Common Charter, all service providers agree to arrange human interface with responsible

company executives whose name and identity are made known to the consumers in addition to arrangements like Customer Care Service through Call Centres. On pursuasion of TRAI, all the service providers have appointed nodal officers to handle consumer grievances and the details of these nodal officers are published by service providers. The list of Nodal Officers is also available on TRAI website <http://www.traigov.in>

As per Clause 7 of the Common Charter, the service providers also agree to inform their subscribers on the reverse of bill issued, the name and address of the nodal officer appointed by the respective service provider for redressal of the consumer grievance.

(vi) Complaints of individual nature received by TRAI are forwarded to the concerned service providers for effectively addressing the issues raised by the complainant. However, in case of generic complaints i.e. complaints affecting a large number of consumers and systemic in nature, TRAI looks into the various issues raised in the complaint and takes effective steps for redressal of the issues. These complaints are pursued with the service providers for early resolution and removing of the generic/ systemic problems. On analysis of complaints received, Authority found various deficiencies, which required putting in place a system to avoid recurrence of such complaints. The Authority has issued a number of directions. The gist of these directions are given below and these directions are available on TRAI website <http://www.traigov.in>

1. Direction dated 03 May 2005 on value added services, which mandated that no value added service shall be provided to a customer without the customer's explicit consent. Also no value added service, which was earlier being provided free of charge, shall be made chargeable without the explicit consent of the customer.

2. Direction dated 03 May 2005 on premium rate services, which mandated publication of the pulse rate/ tariff for premium rate service in all communications/ advertisements.

3. Direction dated 29 June 2005 on information to customers about complete details of the tariff plan, which mandated that the customer should be informed in writing, within a week of activation of service, the complete details of the customer's tariff plan. In addition, as and when there are any changes in any aspect/ item of tariff in the chosen package, the operator shall intimate, in writing, such changes to those subscribers whose tariff packages undergo a change.

4. Direction on Docket No. and Termination of Service dated 29 August 2006, which mandated the Service Providers to:

- a. assign a unique docket number for all service request calls made to the customer care helpline numbers and also special numbers for registering complaints and convey the

same to the customer at the time of such a call. This shall be implemented within three months from the date of the issue of this direction;

- b. acknowledge through SMS followed by entry in the next bill the requests made through Telephone call, FAX, SMS, e-mail etc for value added services, the charges for which are of a recurring nature;
- c. raise the bill only after adjustment of security deposit in the event of a request for termination of service received from a customer;
- d. terminate the service (a) within twenty four hours of the receipt of a request for termination of service made in writing; (b) within three working days of the receipt of a request for termination of service made through Fax or through e-mail ID registered with the service provider; or (c) within seven working days of the receipt of a request for termination of service made through Telephone call, SMS and e-mail. The termination of service shall be subject to the return or recovery of the customer premises equipment, wherever applicable;
- e. stop charging the customer the fixed monthly charges like rental beyond the above prescribed period of termination of service or from the date of last usage, whichever is later.

### **1.7 Provisions in the Licence Agreements relating to Customer Service/ Complaint Handling:**

The various licences mandate the Licensee to notify in writing all the arrangements with respect to repair, fault rectification, compensation or refunds. These licences also provide that all complaints in this regard will be addressed/ handled as per the guidelines, order or regulation or direction issued by the LICENSOR or TRAI from time to time.

TRAI has issued several directions and orders, based on the complaints received from consumers. TRAI has laid down the Quality of Service standards for basic, cellular mobile, Internet (dial-up) and Broadband service. TRAI has also issued the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation providing for independent audit of the metering and billing system. Though these Orders, Directions and Regulations address the concerns of consumers, TRAI has not issued any separate Order or Direction or Regulation detailing the procedure for handling consumer complaints.

### **1.8 Effectiveness of the Existing Institutional Mechanism for Handling Consumer Complaints:**

Going by the number of complaints and the nature of complaints being received in TRAI it is seen that the present institutional mechanism for handling consumer complaints is not effective enough. The large numbers of complaints received in TRAI reveals that consumers have inadequate information about where to register the complaint, the complaint procedure, the time limit within which the complaint would be redressed, how and where the consumer can meet the responsible company executives personally, etc. As a result, the consumer ends up complaining to the President, Prime Minister, Minister, TRAI and Department of Telecom etc. for redressal of the complaints. Recourse to Consumer Courts for redressal of complaints is both time consuming and costly. Hence, there is a need for defining the process for redressal of consumer complaints and also for provision of a speedy, effective, independent and inexpensive complaint redressal mechanism, within the company i.e. service provider.

## **CHAPTER 2**

### **International Practices**

**2.1** It would be of relevance to examine the mechanism for handling of consumer complaints prevalent in other countries. The practices in some of the countries are given below:

#### **2.2 Office of Communications (Ofcom), U.K.**

2.2.1 On 24 May 2005, Ofcom published the Customer Codes of Practice for handling complaints and resolving disputes – Guidelines for public electronic communication service providers seeking Ofcom approval. The salient features of these Guidelines are given below:

2.2.2 Section 52 of the Communications Act 2003 places a duty on Ofcom to set general conditions to ensure that communications providers establish and maintain procedures to, amongst other things, handle consumer complaints and resolve disputes between them and their domestic and small business customers.

2.2.3 General Condition 14 is the relevant condition for complaint handling and dispute resolution. Under General Condition 14.1, the communications provider must produce a basic code of practice for domestic and small business customers, which sets out clear and up to date information on standard terms and conditions, including prices and tariffs, for access to and use of a publicly available telephone services ('PATS'), as detailed in General Condition 10.2. This information must include details of the procedures for bringing an unresolved complaint to an alternative dispute resolution scheme (the 'Complaints Code of Practice').

2.2.4 The Complaints Code of Practice must be approved by Ofcom. These Guidelines are designed to help communications providers produce a Code, which Ofcom will be able to approve. To facilitate the process, Ofcom will produce an electronic template, which allows providers to submit codes for approval via email. Providers may use this template if they wish.

2.2.5 The Complaints Code of Practice must be written in plain and simple English. It must be easy to understand and easily accessible to customers, free of charge. The Code should be published on the provider's publicly accessible websites, where available.

2.2.6 Under General Condition 14.4 the provider is obliged to implement and comply with a dispute resolution scheme (ADR). If a provider is not a member of an approved ADR scheme, Ofcom will not approve its complaints code of practice.

2.2.7 There are penalties for non-compliance with General Condition 14. Under Section 96 of the Act, Ofcom may impose a penalty of up to ten per

cent of turnover for failure to comply with a formal notification within the time period specified.

2.2.8 Consumer Code of Practice on Complaint Handling and Dispute Resolution of LCC Communications Limited, approved by Ofcomm, UK provides for Purpose of the Code, How to contact – by phone, by email, by fax, by letter; their commitment to the customer; their products and services; marketing; terms and conditions; cancellation; faults and repairs; compensation and refund policy; price lists; billing; number porting; complaints; premium rate services; number translation services; nuisance calls etc. The Code of Practice can be viewed at [www.lcccommunications.com](http://www.lcccommunications.com).

2.2.9 In UK, British Telecom has the BT Code of Practice for consumers and small business approved by Ofcom. This is available on their website [www.bt.com](http://www.bt.com). This Code is very comprehensive and includes the main services they offer, how to contact them, details of arrangements for sending bills, how the consumers can pay their bills, complaint procedure, features of other specific services such as Number Translation Services, Broadband etc. The provisions under the customer service guarantee section in the Code of Practice are as follows:

- Quality of Service statement
- In case of late installation of phone line, the customer can avail diversion of incoming calls to another fixed or mobile number free of charge.
- In case of fault, the customer can avail diversion of incoming calls to another fixed or mobile number free of charge. Alternatively, the customer can claim daily rate rental credit.
- Daily rate rental credit for disconnection of phone by mistake
- How to report faults on phone line
- Communicating with the customers
- Protecting privacy
- Billing, payments and pricing
- Disconnecting phone line
- How to contact service provider?
- Options with the customer in case the customer is not satisfied with the service

### **2.3 The European Consumer Complaints Foundation**

2.3.1 The Foundation represents a number of core principles, which are designed to guarantee consumer satisfaction:

1. Licensees must have a Code of Practice, which has been approved by the CCform Foundation and is binding on all members/subscribers.

2. Licensees must maintain a website on which its Code of Practice maybe accessed by consumers.

3. If the trading company has an online presence, its website must provide a click-through mechanism to the website of the licensee to allow consumers to understand the principles under which it operates its complaints handling mechanism.

It is important that companies, which choose to register with the CCform Foundation present a visible and transparent complaint mechanism using the CCform process.

Registered companies must:

- Provide information on the CCform platform through their own medium and make direct reference on their website to the Consumer User Guide
- Present CCform as one of their channels of complaint
- Provide an Internet contact address where requests and questions concerning complaints can be made
- Display the CCform logo within their advertising media, whether on or off-line, to demonstrate their preferred channel of complaint resolution
- Provide a privacy policy with adequate information about the processing of personal data by their company. The privacy policy statement must be in accordance with EU law.

4. During the complaints process, registered companies are obliged to follow a number of guidelines, which are designed for the benefit of the consumer:

- Registered companies must process the complaints they receive in good faith and must provide their best efforts to reach appropriate complaint solutions, in accordance with the legitimate interests of the complainants.
- During the process of registering and resolution of a complaint, a variety of data are collected about the individual making the complaint and the nature of the complaint itself. The Foundation has a number of rules governing the processing and use of personal data.

## **2.4 Malaysia**

2.4.1 Section 196 of the Malaysian Communication and Multimedia Act 1998 provides that the Commission shall establish guidelines for the making, receipt and handling of complaints received from consumers in relation to the conduct or operation of licensees under the Act. Section 195 of the Act provides that the Commission may use any of its powers under the Act in the resolution of complaints received from consumers in relation to matters of customer service and consumer protection,

including but not limited to, the failure of a licensee under the Act to comply with a consumer code prepared under Chapter 1 Part VIII of the Act. In accordance with these powers, the Malaysian Communications and Multimedia Commission had issued guidelines for complaints handling in July 2003.

2.4.2 The guidelines provide for the complaint handling process, requirements prior to the lodging of the complaints with the Commission, lodging of complaints, complaints handling and decision. There is no obligation on any consumer to refer complaints against licenses to the Commissioner. The consumer may choose to exercise any other option available under the law to obtain a satisfactory resolution to such complaints.

2.4.3 In October 2003, the Communications and Multimedia Consumer Forum of Malaysia had issued a General Consumer Code of Practice for the Communications and Multimedia Industry Malaysia. The Communications and Multimedia Consumer Forum of Malaysia, better known as the Consumer Forum, registered under the Registrar of Society, was established in February 2001 to encourage the development of industry self-regulation. It primarily develops and oversees Codes that serve the dual purpose of promoting high standards of service in the communications and multimedia industry while protecting the interest of the Malaysian consumer.

2.4.4 The Consumer Forum comprises members representing business and consumer interest. The communications and multimedia industry is represented on the business side (including telecommunications companies and broadcasting stations). The consumer interest is represented by non-governmental organizations and public interest groups. Membership to the Consumer Forum is open to all and members are encouraged to participate in ongoing activities such as reviewing of Codes and educational programmes. There is a membership fee, which depends on membership category, i.e., ordinary members and associate members.

2.4.5 Some of the key objectives of the Forum are:

- provide an avenue and channel for complaints, disputes and grievances.
- recommend inexpensive and practical alternative dispute resolution procedures, for example, mediation.

2.4.6 The General Consumer Code of Practice provides for, amongst others, rules of the Code concerning to provision of information such as description of service, pricing information, packaging of service, terms and termination, customer rights of redress, instructions for use, customer billing, charging, collection and credit practices, provision of service and fault repair of service. With respect to complaint handling, it provides description of the complaint handling system, visibility and accessibility, responsiveness, further recourse and retention of record etc. This Code of Practice also includes Code compliances by Service Providers for reporting

and monitoring, including Code adherence. As per the Code adherence for Consumer complaints, all complaints by consumers will first be lodged and dealt with by the relevant service provider. In the event the consumer remains dissatisfied with the resolution of the complaint by the service provider, the consumer may lodge a complaint with the Forum.

## **2.5 IRELAND**

### **2.5.1 Requirement of a Code of Practice for Consumer Complaints**

All licensees are required by ComReg to have a Code of Conduct for dealing with consumer complaints concerning installation delays, billing problems and repair/ service disruption (this list is not exhaustive). These Codes outline the level of response the customer can expect from an operator when they are dealing with the customer's complaint. Each Operator's Code specifies how complaints can be made and provides for the following steps under the complaint handling process:

- Acknowledgement of the complaint
- Investigation of the complaint
- Timeframes in which the complaint will be resolved
- Notification of Resolution of Complaint
- Internal Escalation points of contact

In addition, each operator's code lists the response timeframes on the different categories of complaints that operators receive.

### **2.5.2 Terms and conditions to be included in the contract for service**

A licensee is required to offer its services in accordance with a written contract, which has the following minimum terms and conditions. Some of the terms and conditions can be fulfilled through general regulatory regimes specified by ComReg.

- a) Supply time for initial connection
- b) Types of maintenance service offered
- c) Compensation or refund arrangements for subscribers, which apply if the contracted service is not met including any applicable penalties
- d) A summary of the procedures for resolving disputes
- e) Information on service quality levels
- f) The conditions by which a service can be interrupted or suspended in the case of non-payment by the subscriber

An operator may seek to update or change its terms and conditions from time to time, and, in doing so, must provide a notification of such changes. Any such changes are typically a commercial matter for the

licensee, but would be carried out in light of any applicable regulatory obligations.

Operators must also publish accurate and up-to-date information with respect to their standard terms and conditions including information concerning:

- the prices for its services
- the contract period and, where applicable, any minimum contractual period
- any conditions for renewal of contracts

### **2.5.3 Handling of complaints regarding contracts**

ComReg does not investigate matters of contractual nature, however, if a consumer feels that he/ she is subject to an unfair term or condition in the contract, he/ she may wish to contact the Office of the Director of Consumer Affairs.

### **2.5.4 Billing complaints**

If a customer is querying charges on the bill from the service provider, firstly, as with all complaints or queries, approach the service provider for an explanation. Ensure that the customer consult the operators Code of Practice for Handling Consumer Complaints, and follow the escalation procedure outlined within it. When querying service or call charges it may be useful to check the following

- if the charges have been raised on previous bills
- the calling pattern
- whether anyone else with access to the service may have generated the charges.

### **2.5.5 Contact for complaint regarding installation or repair delays**

Each service provider will have their own policy regarding the installation of their services. If a customer is experiencing delays in the provisioning of a service, it is advisable to contact the operator and request a forecast date and a reason for the delay. If the customer has escalated the complaint within the company, as per the Code of Practice, and are continuing to experience difficulties, the customer may wish to approach ComReg Office for advice and further assistance.

### **2.5.6 Compensation in relation to complaint**

ComReg does not currently prescribe compensation as a remedy for consumer complaints. If a customer is unable to reach an agreement with the service provider, the customer could consider seeking independent legal advice or pursuing compensation through the Small Claims Court.

### **2.5.7 Disconnection of service**

Should a customer fail to pay an account on or before the due payment date then the service may be subject to restriction or disconnection as per the terms and conditions of the contract with the service provider. This may manifest itself, in the case of a telephony service, as full or partial blocking of calls to and from consumer's telephone.

Each operator has set out its disconnection policy in its Code of Conduct for Complaints Handling and more generally within the terms and conditions of the contract for the service. Typically, an operator must provide adequate warning to its customer before initiating disconnection procedures. For further details, the customer should contact the operator directly.

### **2.5.8 Consumer Complaint Handling**

All operators are required to have a Code of Practice for handling complaints. Such Codes contain minimum standards as set by the Regulator and provide practical guidelines for consumers when dealing with their operator. Where a consumer has exhausted an operator's complaint handling process they can contact ComReg. Depending on the issue, ComReg will take up the matter directly with the operator. ComReg seeks to achieve an adequate response for the consumer by requesting the operator to re-examine the consumer's complaint in the light of any regulatory obligations. ComReg will monitor progress within this process and, once notified by the operator that the matter has been resolved, will contact the customer to ensure he or she is satisfied.

### **2.5.9 Code of Practice issued by Greencom after approval by ComReg**

The Code of Practice issued by Greencom provides for complaint procedure, complaint handling, resolution timeframe, escalation procedure, disconnection policy etc. The complaint procedure states that if for any reason customer is dissatisfied with the service of Greencom, it is important to inform Customer Service Department in the correct manner. The details are given how to contact the Customer Care Team to handle complaints by phone, post, fax and Internet or email. The Customer Care Team shall acknowledge the receipt of the complaint and advise the consumer the timeframe associated with its resolution. It also provides a unique reference number for identification and providing update on the status of the complaint. The complaints are categorized as Billing, Transfer of the line, Service interruption, fault repair and miscellaneous. For each of these categories set, indicative timeframe for resolution of complaints is also stated in the Code of Practice.

## **CHAPTER 3**

### **Consumer Grievance Redressal Mechanism In Other Sectors In India**

#### **3.1 NORMS PRESCRIBED BY BUREAU OF INDIAN STANDARDS (BIS)**

In the Indian context, the Bureau of Indian Standard (BIS) has formulated standard for quality systems and customer focuses public service delivery. The salient features of these norms as prescribed by BIS under IS 15700:2005 “Quality Management System – Requirement for Service Quality by Public Service Organisations” are detailed below:

##### **3.1.1 NODAL OFFICER AT APEX LEVEL**

Service Provider shall appoint a member of its management as a nodal officer at apex level who, irrespective of other responsibilities, shall have the following responsibilities and authority:

- a) Ensuring that processes needed for the service, service delivery, citizens’ charter and complaints handling are established, implemented and maintained
- b) Acting as member-secretary of the working group for formulation of the citizens’ charter
- c) Acting as public grievance officer and reporting to top management of any complaints which have a significant impact on the organization
- d) Regularly reporting to the top management on the performance of service quality, citizens’ charter and complaints handling with recommendations for improvement
- e) Devising mechanism for obtaining feedback and internal quality audit

##### **3.1.2 NODAL OFFICER AT UNIT LEVEL**

Where an organization is providing services through its different units, the top management shall ensure the appointment of a nodal officer at unit level, who, irrespective of other responsibilities, shall:

- a) Ensure that processes needed for the service, service delivery, citizens’ charter and complaints handling are implemented and maintained
- b) Act as public grievance officer
- c) Report regularly to the nodal officer at the apex level on the performance of the service quality, citizens’ charter and complaints handling with recommendations for improvement.

##### **3.1.3 RESOURCE MANAGEMENT**

The resources shall include human resources, infrastructure and work environment.

The organization shall ensure that the personnel are:

- a) Selected on the basis of capability to satisfy defined job specifications
- b) Trained to ensure that they understand the tasks to be performed
- c) Aware of their responsibilities including promptly reporting on complaints/ feedback
- d) Aware of procedures to be followed and information to be given to the customers

The organization shall ensure that the personnel, who are in the direct contact with the customers:

- a) Are available and accessible, as specified
- b) Are sensitized to treat customers in a courteous manner
- c) Respond promptly to customer's enquiry/ complaint
- d) Provide accurate, updated and complete information
- e) Possess good interpersonal and communication skills

#### **3.1.4 INFRASTRUCTURE AND WORKING ENVIRONMENT**

The organization shall determine, provide and maintain the infrastructure and work environment necessary for achieving service quality and complaints handling.

#### **3.1.5 SERVICE PROVISION**

The organization shall:

- a) Ensure that services being provided by the organization take into account expectations of the customer and regulatory requirements
- b) Ensure that the service delivery processes are in line with the objectives defined by the organization
- c) Assure the quality of the products and/ or services purchases and/ or outsourced, which affects its service quality
- d) Ensure availability of procedures/ work instructions
- e) Ensure availability and use of suitable equipment, monitoring and measuring devices
- f) Ensure calibration or verification of measuring equipment
- g) Identify the verification status of the service or service delivery process at relevant stages
- h) Identify, verify, protect and safeguard the customer property
- i) Ensure implementation of monitoring and measurement

#### **3.1.6 COMPLAINTS HANDLING**

The organization shall establish a documented procedure for complaints handling process, which shall include the following:

- a) Identification of complaint prone areas in a systematic manner and determining the time norms of their redress
- b) Providing information concerning complaints handling process in clear language and formats accessible to all. Such information shall include:
  - i) Where and how the complaints can be made
  - ii) Minimum information to be provided by the complainant
  - iii) Time limits within which the complaint will be closed
- c) Widely publicizing the information about complaints handling process through print, web and other media. The name, address, telephone numbers and other contact details of the public grievance officer of the organization shall also be displayed prominently at the reception and other convenient places in the organization
- d) Unique identification of the complaint and recording necessary information including relevant details of complaint, remedy requested, due date of redress, relevant data related to the complaint and immediate action to be taken (if any)
- e) Scrutiny of the complaint and its categorization as critical, major or minor
- f) Acknowledgement of each complaint promptly giving the complaint number along with an indication of the redress time and the name, designation and telephone number of the employee to be contacted for all future correspondence
- g) Investigation of relevant circumstances and information relating to the complaint. The level of investigation shall be commensurate with the seriousness and severity of the complaint. If the complaint cannot be immediately resolved, it shall be dealt in a manner which would lead to its effective redress as soon as possible and the complainant shall be intimated
- h) Communication of the decision to the complainant regarding the complaint immediately after the decision is taken and getting the complainant's feedback. In case the decision is not in line with the remedy requested by the complainant, the justification for the decision taken along with alternative internal and external recourse available for appeal shall also be intimated, after which the complaint shall be closed
- i) Nominating Forum which could be approached if the normal service delivery mechanism does not respond

## **IMPLEMENTATION, MONITORING, MEASUREMENT & IMPROVEMENT**

### **3.1.7 Implementation**

The organization shall:

- a) Establish a single-window system at points of public contact to facilitate disposal of applications.

b) Set up information and facilitation centres and help-lines for information on procedures, application status, etc.

### **3.1.8 Monitoring & Measurement**

The organization shall monitor and measure:

- a) Characteristics of the service and service delivery processes to verify that the service quality objectives and service standards have been met.
- b) Working of the complaints handling machinery through random checks

Records of the evidence of conformity shall be maintained.

### **3.1.9 Customer Satisfaction**

The organization shall establish and implement a system for measuring customer satisfaction through a suitably designed methodology. This information shall be used for continual improvement.

### **3.1.10 Internal Quality Audit**

The organization shall conduct internal audit at planned intervals.

### **3.1.11 Analysis of Data**

The organization shall analyze the data collected during monitoring and measurement to determine the current level of performance and opportunities for continual improvement, particularly where non-conformities are recurring.

## **Improvement**

### **3.1.12 Corrective and Preventive Actions**

The organization shall take action to eliminate the cause(s) of non-conformities and potential cause(s) to prevent recurrence and occurrence respectively. These shall be appropriate to the effects of the non-conformities encountered and potential problems. Records of action taken and improvements effected shall be maintained.

## **3.2 Delhi Electricity Regulatory Commission**

The Delhi Electricity Regulatory Commission has established, for distribution licensees, the complaint handling procedure and Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman.

### **3.2.1 Complaint Handling Procedure**

Delhi Electricity Regulatory Commission had approved the “Complaint Handling Procedure relating to Distribution and Retail Supply” of electricity distribution companies in Delhi. The salient features are

1. Nature of complaints
2. Where to lodge Complaints.

The contact telephone number(s) where consumers can lodge their complaints as also the name and contact telephone number of the Asst. Engineer concerned, who can be approached in case of delay in the redressal of complaint would be notified as under:

- By display/ dissemination of the above information on separate handouts attached to the electricity bills from time to time
- By display of the above information at the Bill collection centres
- By Display on the company website

3. No current/ failure of power supply

4. Voltage Complaints

5. Scheduled outages/load shedding:

6. Metering Problems

7. Billing Problems

8. Periodic Inspection by next higher authority

9. Petition before DERC for grievance redressal

It is the obligation on the Licensee to respond to a consumer's complaint in a timely and effective manner as laid down above. However, if the consumer is not satisfied with the action taken by the Licensee (up to the General Manager level), he may make a complaint to the Delhi Electricity Regulatory Commission in accordance with Commission's Grievance Handling Procedure.

### **3.2.2 FORUM FOR REDRESSAL OF GRIEVANCES OF THE CONSUMERS**

On 11 March 2004, Delhi Electricity Regulatory Commission notified the Delhi Electricity Regulatory Commission (Guidelines for establishment of Forum for redressal of grievances of the consumers and Ombudsman) Regulations 2003. The salient features of the Forum for redressal of grievances of the consumers are reproduced below:

1. With these regulations, DERC prescribed a Forum and Ombudsman.
2. The constitution of the Forum for redressal of grievances of the consumer shall be established by every distribution licensee.
3. Forum shall consist of not more than three members.
4. The age, qualifications, and experience of the members have been prescribed in these regulations.
5. In these regulations, DERC has specified that for the purpose of appointment of members, the licensee shall invite applications

through public advertisement. The members of the forum would have a tenure of three years.

6. Licensee shall appoint one of his officers as full time secretary to the forum and shall also provide the required supporting staff.
7. The forum shall be independent of the licensee.
8. The condition for removal of the members, other conditions of appointment and jurisdiction of the forum has been prescribed.
9. Grievance filing procedure and grievance handling procedure has been prescribed.
10. The other relevant clauses concerning to order of the forum and monitoring of the consumer grievances by the forum has also been prescribed.

## **CHAPTER 4**

### **Proposed Consumer Complaints Handling Mechanism**

4.1 Currently, some of the private service providers do not have customer care centres or offices in the cities/ town where they are providing service. Instead, these service providers have appointed franchisees/ agents for selling the services. However, these franchisees/ sales agents do not attend to the complaints/ grievances of the customers. As a result, the customers do not have any human interface with responsible officers/ executives of the company for redressal of their grievances. At the same time, many instances have been brought to the notice of the Authority where these franchisees/ sales agents had given false promises of discounts/ schemes. Many complaints emanated from these false promises as they do not give published brochure/ tariff plans, description of the service offered and terms and conditions of contract and procedure for lodging complaints and details.

4.2 Service Providers have not effectively implemented the Common Charter. It was emphasized by CAGs during the half yearly meet on 27 October 2006 that even some of the nodal officers are not aware of the mechanism of Common Charter and their responsibilities. The CAGs expressed their concern about non-implementation of the Complaint Redressal Mechanism (absence of self regulation) and requested for mandating this from TRAI.

4.3 Complaints received in TRAI reveal that in many cases the complainant is not informed about resolution of the complaint and even the acknowledgement of written complaints is not given nor is the status informed. Even the complaints forwarded by TRAI, which are generic in nature, are either not replied to, replied to very late or replied without undertaking any root cause analysis.

4.4 The QoS Regulations for Basic and Cellular Mobile Service issued in July 2005 provides for QoS parameters to test the effectiveness of the customer care help line. TRAI monitors the performance of service providers against these benchmarks through quarterly performance monitoring reports. TRAI has engaged an independent agency to conduct objective assessment of QoS and to conduct a customer satisfaction survey. The objective assessment also includes live testing of effectiveness of the Customer Care helpline. The report of the independent agency for the Quarter ending 30 June 2006 reveals that with respect to mobile service, none of the service providers meet the Quality of Service benchmark for the Parameter "Help Line Services". As against achieving the laid down benchmark of 95% for "Help Line Services", achievement level of the licensees ranges from 51%-86% in Metro Circles, 54%-81% in A Circles, 58%-81% in B Circles and 37%-78% in C Circles. In the case of

basic service also, none of the operators meet the benchmark. The achievement level ranges between 52%-76% in Metro Circles, 53%-89% in A Circles, 36%-89% in B Circles and 55%-88% in C Circles.

4.5 Another issue, which quite often leads to complaints, relates to bill collection. The service providers engage recovery agents for collection of dues from defaulters. In many cases it happens that these agents further sub-contract the work. TRAI has received many complaints that these agents give threatening calls to the customers. Such cases have been reported even when the bills have been paid, the bill has never been received or the bill is disputed. All this occurs because of lack of supervision of the service providers over their recovery agents/ sales agents/ franchisees. The service provider is fully responsible to its customers and their grievances.

4.6 Thus, generally, the telecom consumers are dissatisfied with the complaint handling procedure of service providers. It would not be wholly correct to say that a mechanism for redressal of consumer grievances within the telecom sector is completely missing. As per the instructions of the Department of Telecom, Ministry of Communications and IT, Telephone Adalats in Telecom Circles and Districts are held at periodical intervals by Bharat Sanchar Nigam Limited (BSNL) and Mahanagar Telephone Nigam Limited (MTNL) as an internal arrangement to settle the customers' grievances. The scope of Telecom Adalats includes all telecom services provided and billed by the respective Telecom Circles/ Districts. The Telecom Adalats at the Circle level are headed by the Chief General Manager (CGM) and at the District level by the concerned Secondary Switching Area (SSA) head. The Adalats headed by CGMs can also consider the cases of appeals against the decisions of Adalats chaired by SSA head and the cases, which are not individual but have a repercussion on the entire Circle. The information of holding Adalats by CGM and SSA head is to be given wide publicity through local newspapers and electronic media. The concerned MP and MLAs are also to be intimated in advance. The decision of Adalat is to be a speaking order. The Adalat conducted by the CGM should also evaluate the quality of Adalats conducted by his subordinates. However, this is an internal arrangement of the public sector operators. Similar arrangements do not exist for private sector operators and there appears to be a need of such Adalats or fully functional Independent Appellate Authority for private sector operators, particularly in view of the fast growing telecom consumer base.

4.7 The option available to an individual consumer, in case his/ her complaint is not properly redressed by the service provider, is to approach a consumer court. However, the fact of the matter is that the consumer courts are already overloaded and decisions on any such complaint filed with a consumer court could take considerable time. At the same time, the consumer has to spend considerable time, energy and money to pursue the case in the consumer court till the court decides the matter. A very important issue in this regard is that many a time the amount

involved is not large enough and it is not worthwhile for the consumer, considering the time, energy and money involved, to pursue the case in consumer court.

4.8 Considering these problems being encountered by consumers, a need is felt to define the consumer grievance redressal process and also strengthen the consumer dispute resolution mechanism so as to ensure a speedy and effective redressal of complaints with no financial burden on consumers.

4.9 CAGs were of the view that institutional mechanism for redressal of consumer grievances for telecom user needs to be created. This could be done in line with the State Electricity Regulatory Commissions such as Karnataka, Maharashtra and Delhi. However, each service provider should be mandated to have a Code of Practice for handling consumer complaints approved by TRAI. They also had suggested that the Code of Practice for Handling Consumer Complaints of service providers may be approved by TRAI keeping in view the norms prescribed by the Bureau of Indian Standards under IS 15700:2005 “Quality Management System – Requirements for Service Quality by Public Service Organisations”.

4.10 The international practices on consumer complaints handling mechanism discussed in Chapter 2 reveals that a Code of Practice for handling consumer complaints is prevalent in those countries. In U.K., Ireland, Malaysia the Code is to be approved by the Regulator. In addition to the Code of Practice, the consumer complaints procedures in these countries show that in case the consumer is not satisfied with the redressal of the complaint by service providers there is a provision for either an Alternate Dispute Resolution Mechanism, Consumer Forum, or Ombudsman, independent of the service provider, where the consumers could lodge their complaints against the non-redressal of the grievance by service provider. Considering the international practices, it is felt that a similar mechanism as Code of Practice for handling consumer complaints along with strengthening and further defining of the institutional mechanism for handling consumer complaints could help the telecom consumers in India in ensuring a speedy and efficient redressal of consumer grievances.

#### **4.11 Proposed Institutional Mechanism for handling consumer complaints:**

The present institutional mechanism provides for Call Centre and the Appellate Authority as mandated by Department of Telecommunication’s letter No.16-6/2005-BS-II, dated 22.9.05, according to which the Access Providers have to set up a Consumer Grievance Redressal Mechanism (1) at the Call Centre level and (2) An Appellate Authority within the company. Further, all the Access Service Providers must publicise about their redressal mechanism on regular basis through various advertising means or through telephone bills sent to the subscribers. The system of

Nodal Officer has been created under the Common Charter of Telecom Service. The Authority feels that the above institutional mechanisms would be able to cater to the redressal of consumer complaints, provided the procedures, constitution and functions of this institutional mechanism is properly defined and also the complaint handling procedures for this institution is defined clearly through a Manual of Practice for handling consumer complaints. The proposed institutional mechanism and the procedures for handling consumer complaints under this set-up are discussed below.

#### **4.12 Call Centre:**

Every service provider has to set up Call Centre in its licensed service area. Presently, some of the service providers have centralized Call Centres covering many licensed service areas. Service Provider shall earmark or allot or establish a basic telephone or cellular mobile number having sufficient lines or connections to be called as the “toll free number” or “consumers care number” or “help line number” at its Call Centres. No call charges shall be levied for calls made to the “toll free number” or “consumers care number” or “help line number” and the service provider shall treat all such calls as free calls.

The Call Centre should have sufficient staff, with the capability to converse in English, Hindi and in the local language of the area in which such service provider is providing services, so as to ensure compliance with the Quality of Service benchmarks for the parameter “Response Time to the Customer for Assistance” both for percentage of calls answered electronically by interactive voice response system (IVRS) and percentage of calls answered by operator (voice to voice) specified in the Regulation on Quality of Service for Basic and Cellular Mobile Telephone Service, 2005” dated the 1<sup>st</sup> July, 2005(11 of 2005) published under F.No. 305-2/2005(QoS) Vol.II on the 8<sup>th</sup> July,2005 and the Quality of Service of Broadband Service Regulations 2006” dated the 6<sup>th</sup> October,2006 (11 of 2006) published under No.304-6/2004-QoS on the 10<sup>th</sup> October,2006 in the Official Gazette, PART III, SECTION 4, as amended from time to time by the Authority.

#### **Complaint Handling Process by Call Centre:**

- Register each complaint promptly and communicate a unique complaint number called Docket Number along with time of registration.
- Record necessary information related to the complaint.
- Communicate, through telephone or other electronic means or any other means and within the time limit specified for redressal of grievance of consumers, the action taken to the consumer.

### **Time limit for redressal of grievance of consumers:**

- Every service provider shall ensure that all the complaints at Call Centre shall be redressed, within the time limit, as specified in the benchmarks for the parameters specified in the Regulation on Quality of Service for Basic and Cellular Mobile Telephone Service, 2005 dated the 1<sup>st</sup> July, 2005(11 of 2005) and the Quality of Service of Broadband Service Regulations 2006 dated the 6<sup>th</sup> October, 2006 (11 of 2006), as amended from time to time by the Authority.
- In case a service provider fails to comply with the benchmarks for the parameters within the time limit specified in the above regulations, every complaint relating to non-compliance of any of the benchmarks for the parameters within the time limits specified in the above regulations shall, without prejudice to the provisions of the TRAI Act, 1997 or any regulation made or Directions issued there under or any action which may be taken under the Act or any regulation or Direction made thereunder, be redressed within three days after the expiry of such time limit or making of the complaint, whichever is later.
- In cases where no such parameter or time limit relating to faults or disruption of service has been specified in the Quality of Service for Basic and Cellular Mobile Telephone Service Regulations, 2005 dated the 1<sup>st</sup> July, 2005 (11 of 2005) and the Quality of Service of Broadband Service Regulations 2006 dated the 6<sup>th</sup> October, 2006 (11 of 2006) for redressal of complaints, all such complaints shall be redressed within three days from the date of registration of complaint.
- In cases where no parameter in any regulations made under the Act for redressal of complaints is specified, all such complaints shall be redressed within seven days from the date of registration of complaint.

#### **4.13 Nodal Officer:**

As per the Common Charter, all service providers agreed to arrange human interface with responsible company executives whose name and identity are made known to the consumers in addition to arrangements like Customer Care Service through Call Centres etc. With the intervention of TRAI, all the service providers have appointed nodal officers to handle consumer grievances and the details of these nodal officer are published by service providers. However, as per the complaints received from consumers, it is noted that the Nodal Officers are not accessible for direct interface and many times do not respond to telephone calls. Also, presently, the consumers do not have access or very limited

access of interaction with any responsible company executives in the cities, towns and District Head Quarters where the service providers have commissioned the service. Hence it is proposed that the service providers may appoint or designate such number of Nodal Officers for such area as may be considered by them necessary so that Nodal Officer is easily accessible and available for redressal of grievance of the consumers. In our recent interactions with the Consumer Advocacy Groups (CAG), some of the CAGs had pointed out that in some cases even the Nodal Officer is not aware of his duties and functions. Hence, it is proposed to strengthen the system of Nodal Officer by defining the complaints handling process, functions and duties of the Nodal Officers.

### **Complaints Handling Process By Nodal Officer**

In case a consumer is not satisfied with the redressal of his grievance at the Call Centre level, such consumer may approach, through writing, telephone, other electronic means and any other means, the Nodal Officer of the service provider for redressal of his grievance.

a) The nodal officer shall, after registering the complaint, give an acknowledgement within 2 days of the receipt of the grievance/ complaint indicating the following:

- Complaint Number
- Time frame within which the complaint is likely to be redressed

b) The Nodal Officer shall:

- i) Act as the public grievance officer.
- ii) Remain available and accessible to the consumers during the normal working hours of the service provider at the address made available to the public through public notice.

### **c) Time limit for redressal of complaints by Nodal Officer-**

- i) All grievances received by the Nodal Officer in respect of fault or service disruption or repair/ restoration of fault shall be got redressed within 3 days of registration of the complaint; and
  - ii) The Nodal Officer shall redress other grievances within 10 days of the registration of the grievance.
- d) The Nodal Officer shall communicate to the complainant, within the above prescribed time limit, immediately after taking the remedial measure for redressal of the complaint.

### **4.14 Appointment of Appellate Authority:**

It is mandatory for all the Access Service Providers to establish an Appellate Authority within the company in each licensed service area. To maintain the transparency and independence of appellate authority and

to provide for an effective consumer grievance redressal mechanism, it is proposed to lay down the constitution of the Appellate Authority. This constitution provides for appointment of the appellate authority, qualifications and experience, jurisdiction, appeal filing procedure, disposal procedure of appeal and the reporting/monitoring requirements.

#### **4.15 The main features of appellate authority of service providers:**

- Every service provider shall establish, within three months one or more appellate authority, in each of his licensed service area to hear and dispose off the appeals.
- The appellate authority shall consist of one person only to be appointed by the service provider.
- In case a consumer is not satisfied with the redressal of his grievance by the Nodal Officer or his complaint remains to be redressed or no reply is received within the period specified thereto, such consumer may, in writing, make, an appeal to the appellate authority of the service provider for redressal of his grievance.
- The service provider shall appoint the appellate authority, who will be the presiding officer, from amongst persons of ability and integrity who have special knowledge and professional experience in telecommunication, industry, finance, accountancy, law, management or consumer affairs.
- Every appeal to the appellate authority shall be made in writing in duplicate, in the prescribed Form to be made available free of cost by service provider.
- The Secretary of the appellate authority shall (a) send, within five days of receipt of an appeal, an acknowledgement to the appellant indicating the serial number of appeal registered and allotted thereto; (b) forward, within five days of receipt of an appeal, a copy of the appeal to the concerned service provider for filing reply.
- The service provider shall, within fifteen days from the date of registration of the appeal file in writing its reply.
- The appellate authority shall decide every appeal within one month from the date of filing the appeal and pass order thereon stating the points for determination, the decisions thereon and the reasons for the decision.

- The order of the appellate authority shall be communicated in writing within seven days of the order to the appellant and service provider.
- The service provider shall comply with the order of the appellate authority within fifteen days from the date of receipt of the order and report compliance thereof to the appellate authority.
- The appellate authority shall not entertain a complaint if it pertains to the same subject matter for which any proceedings before any court, or any other consumer Forum is pending or a decree, award or a final order has already been passed by any competent court, or forum.

#### **4.16. Manual of Practice for handling consumer complaints-**

1. Every Service provider shall publish a “Manual of Practice for handling consumer complaints” containing following information relating to Basic Telephone Service, Cellular Mobile Telephone Service and Broadband Service, namely: -

- a) name and address of the service provider;
- (b) terms and conditions of service offered by the service provider;
- (c) Call Centre or Helpline Number or customer care number or toll free number; name, designation, e-mail, contact number, FAX and address of Nodal Officer(s) and appellate authority;
- (d) a description under the heading “Dear Customer do you know” containing that -
  - no migration fee for migrating to any tariff plan;
  - no increase in tariff permitted for a period of 6 months from the date of enrolment of the subscriber under a tariff plan;
  - no charge will be levied for any service without explicit consent of the customers;
  - refund of Security Deposit to be made within sixty days, otherwise eligible for interest at the rate of ten per cent per annum;
  - the rebate in rent due to delay in rectifying the fault beyond minimum specified period, subject to regulations, directions and orders of the Telecom Regulatory Authority of India;
- (e) procedure for shifting and transfer of telephone, provision of accessories and customer premises equipment;
- (f) information about service availability and coverage for cellular mobile service;
- (g) complaint redressal mechanism (including complaint redressal procedure and the time limit for the redressal of grievances by the Call

Centre, Nodal Officer and appeal filing and disposal of appeal by appellate authority);

(h) Annexure to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks for Basic Service (wire line) and Cellular Mobile Telephone Services specified in clause (i) and (ii) of regulation 4 of the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 (11 of 2005), and for Broadband Service specified in regulation 3 of the Quality of Service of Broadband Service Regulations, 2006 (11 of 2006), as amended from time to time, namely:--

- **Basic Service (wire line):** Benchmark relating to Provision of a telephone after registration of demand, Fault repair by next working day, Shifts, Closures, Time taken for refund of deposits after closures, Response time to the customer for assistance i.e. % age of calls answered by operator (voice to voice).
- **Cellular Mobile Telephone Service (Wireless):** Benchmark relating to Call Drop Rate, Percentage of connections with good voice quality, Response time to the customer for assistance i.e. % age of calls answered by operator (voice to voice), % age of billing complaints resolved within 4 weeks, Period of all refunds/ payments due to customers from the date of resolution of complaints.
- **Broadband Service:** Benchmark relating to service provisioning/ activation time, Fault repair/ restoration time, Billing performance; Response time to the customer for assistance i.e. % age of calls answered by operator (voice to voice), Broadband Connection Speed (download).

(i) right of consumer for termination or disconnection of the service;

(j) the amount to be deducted, whether as an administrative expenses or otherwise, from the total pre-paid value of service;

(k) provisions of proposed regulations, in particular affecting the rights of the consumers;

(l) the duties and obligations of the service provider under proposed regulations;

(m) any other information which may be affecting the consumers.

(2) The Manual shall be prepared in English language and Hindi language and language of the State in which, Basic Service (wire line), Cellular Mobile Telephone Service and Broadband Service, is provided to the consumer.

(3) The Manual shall be available for reference at every office of the service provider, call center, customer care center, help desk, Nodal Officer(s) and appellate authority, at the sales outlets, at the website of the service

provider and by any other mode which the service provider may consider appropriate.

**4.17 The proposed procedure for handling consumer complaints in the above institutional mechanism is summarized below:**

- a. Customers shall contact the Call Centre/ Customer Care Centre of service provider on toll free number at the first instance for redressal of their grievances and service requests.
- b. All the complaints, pertaining to fault/ service disruption/ repair/ restoration of fault, shall be attended within 3 days and all other complaints shall be attended by the Call Centre within 7 days, subject to time limits laid down in Regulation on Quality of Service for Basic and Cellular Mobile Telephone Service, 2005 and Quality of Service of Broadband Service Regulations 2006.
- c. In case the complainant is not satisfied with the redressal of his grievance at the Call Centre level or in case the Call Centre within the above time limit does not attend to the complaint, he may contact the Nodal Officer for redressal of his grievance.
- d. All grievances received by the Nodal Officer in respect to fault or service disruption or repair/ restoration of fault shall be got redressed within 3 days and other grievances shall be redressed by the Nodal Officer within 10 days of the registration of the grievance.
- e. In case the complainant is still not satisfied with the redressal of his grievance by the Nodal Officer or in case his complaint is not redressed by the Nodal Officer within the above time limit or no reply is received regarding resolution of the complaint from Nodal Officer, he may appeal to the Appellate Authority for redressal of his grievance.
- f. At any point of time the customer is free to approach the Consumer Court for redressal of his grievance.

The Authority proposes to define the procedure, composition and functions of the existing institutional mechanism for addressing consumer grievances within the company and also a Manual of Practice for handling consumer complaints through Regulations. The proposed draft Regulations are discussed in Chapter 5. The proposed draft regulations shall be finalized and made by the Authority after making changes of drafting or consequential nature, if any.

**4.18 Issues for consultation:**

1. Do the proposed institutional mechanism for handling consumer complaints satisfy the requirements of consumers for speedy, effective and inexpensive redressal of complaints?

2. Do you agree with the proposals given in the Consultation Paper with regard to the procedure and time limit suggested for the Call Centre? Please give your suggestions along with reasons thereof.
3. Do you agree with the proposals given in the Consultation Paper with regard to the appointment and obligations of the Nodal Officer? Is it necessary to define the geographical area of Nodal Officer and if so, please give your suggestions along with reasons thereof?
4. Do you agree with the proposal contained in the Consultation Paper for appointment of appellate authority by the service providers and the proposed procedures for disposal of appeals? Please give your suggestions supported by reasons thereof.
5. Do you agree with the proposal of publishing a “Manual of Practice for handling consumer complaints” and its contents? Please give your suggestions, if any, to further improve upon the contents of the Manual.

## CHAPTER 5

### **Proposed Draft Regulations on defining the constitution and functions of the institutional mechanism for the redressal of consumer grievances and consumer protection in Telecommunication within the company and Manual of Practice for handling consumer complaints**

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

### **NOTIFICATION**

**No.**\_\_\_\_\_ In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub section (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, namely:-

<b>CHAPTER I PRELIMINARY</b>
<b>1. Short title, extent and commencement.--</b> (1) These regulations shall be called as the Redressal of Consumer Grievances and Consumer Protection in Telecommunication Regulations, 2007.
(2) They shall come into force on their publication in the Official Gazette.
(3) These regulations shall apply to-- ----
(a) all service providers providing
(i) Basic Telephone Service;
(ii) Unified Access Services;
(iii) Cellular Mobile Telephone Service;
(iv) Broadband Service.
(b) Internet Service Provider who has been granted licence as such and providing Broadband Service and whose turnover in any financial year is more than rupees twenty five crores only.

**2. Definitions.** --In these regulations, unless the context otherwise requires,-

(a) “Act” means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b) “appellate authority” means the authority established by service provider under regulation 10;

(c) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(d) “Basic Telephone Service” covers collection, carriage, transmission and delivery of voice or non-voice messages over licensee’s Public Switched Telephone Network in service area mentioned in the licence and includes provision of all types of services except those which require a separate licence;

(e) “Broadband” means data connection----

(i) which is always on and is able to support interactive services including Internet access;

(ii) has the capability of the minimum download speed of two hundred fifty six kilo bits per second or such minimum download speed as may be specified by the licensor from time to time to an individual subscriber from the Point of Presence of the service provider intending to provide Broadband service where multiple such individual Broadband connections are aggregated and the subscriber is able to access these interactive services including the Internet through the said Point of Presence;

(iii) in which the interactive services shall exclude any services for which a separate licence is specifically required (such as real-time voice transmission) except to the extent which presently permitted under Internet service provider licence with Internet Telephony”.

(f) “Call Centre” means a department or a section or a facility established under regulation 3 by the service provider for redressal of grievances of its consumers on telephone, other electronic means and by any other means;

(g) “Cellular Mobile Telephone Service” -

(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wireless telegraphy where every message that is conveyed thereby has been, or is to be, conveyed by means of a telecommunication system which is designed or adapted to be capable of being used while in motion;

(ii) refers to transmission of voice or non-voice messages over Licensee's Network in real time only but service does not cover broadcasting of any messages voice or non-voice, except Cell Broadcast which is permitted only to the subscribers of the service;
(iii) under which the subscriber (all types, pre-paid as well as post-paid) has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;
(h) "consumer" means a consumer of a service provider under the Act and include customer and subscriber thereof ;
(i) "Internet service" means all types of Internet Access or Internet content services as provided in the licence;
(j) "Licence" means a licence granted or having effect as if granted under section 4 of the Indian Telegraph Act 1885 (13 of 1885) and Indian Wireless Telegraphy Act, 1933 (17 of 1933);.
(k) Manual " means the Manual of Practice for handling consumer complaints referred to in regulation 21;
(l) "Nodal Officer" means the officer appointed by a service provider under regulation 6;
(m) "Public Switched Telephone Network" means a fixed specified switched public telephone network providing a two-way switched telecommunications service to the general public;
(n) "regulations" means the Redressal of Consumer Grievances and Consumer Protection in Telecommunication Regulations, 2007;
(o) "Unified Access Services" -
(i) means telecommunication service provided by means of a telecommunication system for the conveyance of messages through the agency of wired or wireless telegraphy ;
(ii) refer to transmission of voice or non-voice messages over Licensee's Network in real time only but service does not cover broadcasting of any messages voice or non-voice, except, Cell Broadcast which is permitted only to the subscribers of the service;
(iii) the subscriber (all types, pre-paid as well as post-paid) of which has to be registered and authenticated at the network point of registration and approved numbering plan shall be applicable;
(p) all other words and expressions used in these regulations but not

<p>defined, and defined in the Act and the rules and other regulations made there under , shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.</p>
<p><b>CHAPTER II</b> <b>REDRESSAL OF CONSUMER GRIEVANCES BY CALL CENTERS</b></p>
<p><b>3. Establishment of Call Centre.</b>----(1) Every service provider shall, within three months from the date of commencement of these regulations, establish a department or a section or a facility to be called as the “Call Centre” for redressal of grievances of its consumers through telephone, other electronic means and any other means :</p>
<p>Provided that the Consumer grievance Redressal Mechanism set up at Call Center level in accordance with the instructions of the Government of India, Ministry of Communication and I.T. (Department of Telecommunications) Licensing Cell (Basic Services Group) vide No.16-6 200-BS-II dated the 22 September 2005 shall continue to be the Call Centre for the purposes of these regulations:</p>
<p>Provided further that a service provider, who has been granted a licence after the commencement of these regulations, shall establish, simultaneously with provision of services, a department or a section or a facility to be called as the “Call Centre” for redressal of grievances of its consumers through telephone, other electronic means and any other means.</p>
<p>(2) Every service provider shall---</p>
<p>(a) employ,--</p>
<p>(i) at all times, sufficient number of officers or employees ;</p>
<p>(ii) such number of officers and employees at its Call Centres who are capable of communicating with the consumers in English language and Hindi language and in the local language of the area in which such service provider is providing services;</p>
<p>(b) earmark or allot or establish a basic telephone or cellular mobile number having sufficient lines or connections to be called as the “toll free number” or “consumer care number” or “help line number” at its Call Centres;</p>
<p>so as to ensure compliance with the Quality of Service benchmarks for the parameter “Response Time to the Customer for Assistance” both for percentage of calls answered electronically by interactive voice response system (IVRS) and percentage of calls answered by operator (voice to voice) specified in the Quality of Service for Basic and Cellular Mobile Service Regulations, 2005 dated the 1<sup>st</sup> July, 2005 (11 of 2005) published under F.No. 305-2/2005(QoS) Vol.II on the 8<sup>th</sup> July, 2005 and the Broadband</p>

Service Regulations, 2006 dated the 6<sup>th</sup> October, 2006 (11 of 2006) published under No.304-6/2004-QoS on the 10<sup>th</sup> October, 2006 in the Official Gazette, PART III, SECTION 4, as amended from time to time by Authority.

(3) No call charges shall be levied upon, or payable by consumers, for calls made to the “toll free number” or “consumers care number” or “help line number” or special number, as the case may be.

**4. Procedure for handling complaints of consumers by Call Centres.----**

(1) Every service provider shall, ensure that the Call Centers, immediately on receipt of a complaint from a consumer, --

(a) register such complaint by allotting a unique identification number to be called the docket number;

(b) communicate, at the time of lodging the complaint, the unique identification number to be called docket number and the time of registration to the consumer;

(c) record details in respect of such complaint;

(d) communicate ---

(i) through telephone or other electronic means or any other means; and

(ii) within the time limit specified in regulation 5,

the action taken to the consumer.

**5. Time limit for redressal of grievance of consumers.-----**(1) Every service provider shall ensure the compliance of all the benchmarks for the parameters within the time limit specified in the Quality of Service for Basic and Cellular Mobile Service Regulations, 2005 dated the 1<sup>st</sup> July, 2005 (11 of 2005) published under F.No. 305-2/2005(QoS) Vol.II on the 8<sup>th</sup> July, 2005 and the Broadband Service Regulations, 2006 dated the 6<sup>th</sup> October, 2006 (11 of 2006) published under No.304-6/2004-QoS on the 10<sup>th</sup> October, 2006 in the Official Gazette, PART III, SECTION 4, as amended from time to time by Authority:

Provided that in case a service provider fails to comply the benchmarks for the parameters within the time limit specified in the regulations referred to in this regulation, every complaint relating to non-compliance of any of the benchmarks for the parameters within the time limits specified in the said regulations shall, without prejudice to the provisions of the Act or any regulation made or Directions issued thereunder or any action which may be taken under the Act or any regulation or Direction made thereunder, be redressed within three days after the expiry of such time limit or making of the complaint, whichever is later:

Provided further that in case where no such parameter or time limit relating to fault or disruption of service has been specified in the Quality of Service for Basic and Cellular Mobile Service Regulations, 2005 dated the 1<sup>st</sup> July, 2005 (11 of 2005) and the Broadband Service Regulations, 2006 (11 of 2006) for redressal of complaints, all such complaints shall be redressed within three days from the date of registration of complaint:

Provided also that in cases where no parameter or time limit has been specified in these regulations or any other regulations made under the Act for redressal of complaints, all such complaints, shall be redressed within seven days from the date of registration of complaint:

Provided also that in case lesser time limit has been specified by any other law for the time being in force or other regulations made under the Act or by the licensor or by the service provider for redressal of grievance, the Call Centre shall redress the grievances of the consumer within such lesser time.

(2) The Schedule annexed to these regulations, inter alia, specifies the parameters and benchmarks relating to quality of service mentioned in the regulations referred to in sub-regulation( 1).

### **CHAPTER III**

#### **REDRESSAL OF CONSUMER GRIEVANCES BY NODAL OFFICERS**

**6. Appointment or designation of Nodal Officer(s).**---(1) Every service provider shall, within one month from the date of commencement of these regulations, appoint or designate any of his employees or officers as one or more Nodal Officer(s) as may be considered necessary in each of his licence service area for the purposes of these regulations:

Provided that a service provider, who has been granted a licence after the commencement of these regulations, shall appoint or designate simultaneously with provision of services, any of his employees or officers as one or more Nodal Officer(s) as may be considered necessary in each of his licence service area for the purposes of these regulations:

(2) Every service provider shall, immediately on appointment or designation of a Nodal Officer, give a public notice in English language and Hindi language and in the local language of the area in which such service provider is providing services and indicating therein the name of the Nodal Officers, his address and telephone number, e-mail address, facsimile number and other mode of contacting him:

Provided that in case of change of Nodal officer or his address, the name of the Nodal Officer, his address and telephone number, e-mail address, facsimile number and other mode of contacting him shall be intimated by public notice in the same manner as provided in these regulations.

<p>(3) Every service provider shall appoint or designate such number of Nodal Officers under sub-regulation (1) and for such area as may be considered by it necessary for Nodal Officer being easily accessible and available for redressal of grievance of the consumers.</p>
<p><b>7. Redressal of Consumer Grievances by Nodal Officers.</b>----- In case a consumer is not satisfied with the redressal of his grievance by the Call Centre, such consumer may approach, through writing, telephone, other electronic means and any other means, the Nodal Officer of the service provider for redressal of his grievance.</p>
<p><b>8. Handling of complaints of consumers by Nodal Officers.</b>---- Every Nodal Officer shall, ----</p>
<p>(a) act as the public grievance officer of its service provider;</p>
<p>(b) remain available and accessible to the consumers during the normal working hours of the service provider at the address made available by public notice to the public.</p>
<p>(c) register every complaint lodged by the consumers;</p>
<p>(d) issue an acknowledgement to the concerned consumer within two days of the receipt of the complaint indicating therein the complaint number or unique number, as the case may be.</p>
<p>(e) communicate, within the time limit specified in regulation 9, the decision taken to the consumer immediately after taking the remedial measure for redressal of the complaint.</p>
<p><b>9. Time limit for redressal of complaints by Nodal Officer.</b>----- The Nodal Officer shall redress the grievances of the consumer within ten days of the registration of the complaint under clause (c) of regulation 8:</p>
<p>Provided that complaints relating to fault or disruption of service shall be redressed within three days from the date of registration of complaint under clause (C) of regulation 8:</p>
<p>Provided further that in case lesser time limit has been specified by any other law for the time being in force or other regulations made under the Act or by the licensor or by the service provider for redressal of grievance, the Nodal Officer shall redress the grievances of the consumer within such lesser time.</p>
<p style="text-align: center;"><b>CHAPTER IV</b> <b>APPEAL TO APPELLATE AUTHORITY OF SERVICE PROVIDER</b> <b>FOR REDRESSAL OF CONSUMER GRIEVANCES</b></p>
<p><b>10. Establishment of appellate authority.</b> ----(1) Every service provider shall establish, within three months from the date of commencement of</p>

these regulations one or more appellate authority, in each of his licensed service area to hear and dispose off the appeals filed under sub-regulation (1) of regulation 11.

Provided that the Consumer grievance Redressal Mechanism set up at an Appellate Authority level within the company in accordance with the instructions of the Government of India, Ministry of Communication and I.T. (Department of Telecommunications) Licensing Cell (Basic Services Group) vide No.16-6 200-BS-II dated the 22 September 2005 shall continue to be the appellate authority for the purposes of these regulations:

Provided further that a service provider, who has been granted a licence after the commencement of these regulations, shall establish, simultaneously with provision of services, one or more appellate authority, in each of his licensed service area for the purposes of these regulations.

(3) Every service provider shall, immediately on establishment of appellate authority, give a public notice in English language and Hindi language and in the local language of the area in which such service provider is providing services indicating therein, the address of the appellate authority and telephone number, e-mail address, facsimile number and other mode of contacting the Secretary of the appellate authority and the procedure for filling the appeal and the address of the appellate authority shall be displayed at all the offices and website of the service provider.

**11. Appeal to appellate authority of service provider for redressal of consumer grievances.**----- (1) In case a consumer is not satisfied with the redressal of his grievance by the Nodal Officer or his complaint remains to be redressed or no reply is received within the period specified in regulation 9, such consumer may, in writing, make, an appeal to the appellate authority of the service provider for redressal of his grievance.

(2) Every appeal under sub-regulation (1) shall be filed within three months after the expiry of the time limit specified in regulation 9.

Provided that the appellate authority may entertain any appeal after the expiry of the said period of three months if it is satisfied that there was sufficient cause for not filing it within that period.

**12. Composition of appellate authority for redressal of grievances of the consumers.**-----The appellate authority shall consist of one person only (hereinafter referred to as the presiding officer) to be appointed by the service provider.

**13. Eligibility for appointment as presiding officer of the appellate authority.** ----- (1) The service provider shall appoint a presiding officer from amongst persons of ability and integrity who have special knowledge of, and professional experience in, telecommunication, industry, finance, accountancy, law, management or consumer affairs.

<p>(2) Every service provider shall, within one week from the date of appointment of a person as presiding officer, intimate the details of the person so appointed to the Authority:</p>
<p>Provided that the Authority may call for further details about such appointment of the presiding officer of the appellate authority and the service provider shall submit such information to Authority within such time as it may specify in this regard.</p>
<p><b>14. Tenure of presiding officer of the appellate authority.</b>----- The presiding officer of the appellate authority shall hold office for a period not exceeding three years.</p>
<p><b>15. Remuneration.</b>----- (1)The remuneration and other allowances payable to the presiding officer shall be determined by the service provider from time to time .</p>
<p>(2) The remuneration and other expenses of the appellate authority shall be borne by the service provider.</p>
<p><b>16. Secretariat of appellate authority.</b>----- (1)The service provider shall appoint or designate one of his officers or employees as Secretary to the appellate authority.</p>
<p>(2) The service provider shall provide a Secretariat and required supporting staff and office accommodation for the appellate authority to discharge its functions under these regulations.</p>
<p><b>17. Disposal of appeal by appellate authority.</b>---- (1) Every appeal to the appellate authority shall be made in writing in duplicate, in the Form-A annexed to these regulations.</p>
<p>(2) Every service provider shall make available,----</p>
<p>(a) at every office of the service provider, Nodal Officer and appellate authority, and at the sales outlets;</p>
<p>(b) at the website of the service provider for download by consumer,</p>
<p>the Form-A referred to in sub-regulation (1) free of charge, to the consumer for filing appeal.</p>
<p>(3) The presiding officer of the appellate authority shall ensure uniformity in the procedure for deciding appeals by it under these regulations and for this purpose, every appeal received shall be registered in the office of the appellate authority and be allotted a serially numbered for each year and shall, as far as may be, referred e.g. C.G.A No. 1/2007, 2/2007...1/2008.</p>
<p>(4) The Secretary of the appellate authority shall,-</p>

<p>(a) send, within five days of receipt of an appeal, an acknowledgement to the appellant indicating the serial number of appeal registered and allotted in sub regulation (3);</p>
<p>(b) forward, within five days of receipt of an appeal, a copy of the appeal to the concerned service provider for filing reply.</p>
<p>(5) The service provider shall, within fifteen days from the date of registration of the appeal in sub-regulation (3), file in writing its reply.</p>
<p>(6) In case the service provider fails to file his reply within the period specified in sub-regulation (5), the appellate authority shall proceed on the basis of the material available on record.</p>
<p>(7) The appellate authority may call for, any information, document or record of the service provider or from the appellant relevant and necessary for examination and disposal of the appeal.</p>
<p>(8) The service provider and appellant shall provide such information, document or record as the appellate authority may call for under sub-regulation (7).</p>
<p>(9) The appellate authority shall, on receipt of the reply under sub-regulation (5) from the service provider and on the basis of information, document or record and after conducting such inquiry as the appellate authority may consider necessary, and after affording reasonable opportunity of hearing to the parties, dispose the appeal by passing an order in writing and shall state the points for determination, the decisions thereon and the reasons for the decision.</p>
<p>(10). The appellant, being consumer may, either appear in person or authorize any of his representative to present his case or send his representation with a request to dispose off the appeal without having being present in person.</p>
<p>(11). The service provider, may authorize one or more of its officers or employees to present its case.</p>
<p>Provided that in case the appellate authority, while deciding the appeal, comes to the conclusion that the appellant has sustained any loss due to non-redressal or delay in redressal of his grievances, it may pass appropriate orders for compensation to the appellant for any loss which he sustains through the non-redressal or delay in redressal of his grievances:</p>
<p>Provide further that no such compensation shall be given for any remote and indirect loss or damage sustained by the appellant by his reason of non-redressal or delay of his grievances:</p>
<p>Provided also that in case a party fails to furnish such information, document or record, the appellate authority, on being satisfied that the party</p>

in possession of the record is withholding it, it may decide the appeals after appraising the material available on record and decide the appeal to the best of his judgment on merits:

Provided also that in case the service provider fails to appear before the appellate authority on the date fixed for hearing, the appellate authority may proceed ex-parte and decide the appeals on merits:

(12) The appellate authority shall decide every appeal within one month from the date of filing the appeal and pass order thereon stating the points for determination, the decisions thereon and the reasons for the decision.

(13) The order of the appellate authority shall be communicated in writing within seven days of the order to the appellant and service provider.

(14) The service provider shall comply with the order of the appellate authority within fifteen days from the date of receipt of the order and report compliance thereof to the appellate authority.

(15) The appellate authority may decide any appeal consent between the parties at any stage of the proceedings before it and the same shall be treated as withdrawn.

(16) The appellate authority shall not entertain a complaint if it pertains to the same subject matter for which any proceedings before any court, or any other consumer Forum is pending or a decree, award or a final order has already been passed by any competent court, or forum.

**18. Reporting requirements.**----- (1) The appellate authority will keep a record of consumer grievances reported to it and the decisions thereof.

(2) The appellate authority shall submit, by the 15<sup>th</sup> October and the 15<sup>th</sup> April of every financial year or at such shorter interval, as the Authority may specify from time to time, a report, mentioning therein -----

(a) the number of appeals received;

(b) number of appeals pending;

(c) number of appeals disposed off; and

(d) such other particulars, as may be required by the Authority, for discharge of its functions under the Act,

during the six preceding months immediately preceding month in which the report is required to be submitted to the Authority.

(3) A copy of report referred to in sub-regulation (2) shall be forwarded to the licensor and the service provider.

**19. Status of appeals.**---- Every service provider shall exhibit the status and details of appeals pending within and after the expiry of the time limit specified in sub-regulation (12) of regulations 17 at its website.

**CHAPTER V  
COMPLAINTS FORWARDED BY AUTHORITY  
TO SERVICE PROVIDER FOR  
REDRESSAL OF CONSUMER GRIEVANCES**

**20. Complaints forwarded to service providers by Authority.**----- (1) The Authority may, without prejudice to the provisions contained in the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), forward to the service providers for redressal the complaints--

(a) being the complaints alleging violation of regulation or directions or orders made by it under the Telecom Regulatory Authority of India Act, 1997(24 of 1997);

(b) being the complaints of consumers which are generic in nature;

(c) being the complaints alleging practices of service providers adversely affecting the interest of consumers.

(2) The service provider shall investigate and find out root cause of all such complaints forwarded by the Authority under sub-regulation (1) and resolve or redress such complaints within one month from the date of forwarding of the complaints by the Authority.

(3) The service provider shall inform the concerned consumers regarding resolution or redressal of the complaint within one month from the date of forwarding of the complaints by the Authority.

(4) In case the investigation and root cause of the issues raised in the complaints forwarded by the Authority under sub-regulation (1) reveal general deficiency or systemic inadequacy in the practice and procedure or operation adopted by, or on the part of the service provider, the service provider shall take remedial measure in respect of all such similarly placed consumers and intimate to the Authority within one month of forwarding such complaint under sub regulation (1) such general deficiency or systemic inadequacy and remedial measures.

**CHAPTER VI  
OBLIGATION OF SERVICE PROVIDER FOR CONSUMER EDUCATION  
AND PREVENTION OF GREIVENCES**

**21. Obligation to maintain Manual of Practice for handling consumer complaints.**----- (1) Every Service provider shall publish a “Manual of Practice for handling consumer complaints” containing following information relating to Basic Telephone Service, Cellular Mobile Telephone Service and Broadband Service, namely: -

(a) name and address of the service provider;
(b) terms and conditions of service offered by the service provider;
(c) Call Centre or Helpline Number or customer care number or toll free number; name, designation, e-mail, contact number, FAX and address of Nodal Officer(s) and appellate authority;
(d) a description under the heading “Dear Customer do you know” containing that -
(i) no migration fee for migrating to any tariff plan;
(ii) no increase in tariff permitted for a period of 6 months from the date of enrolment of the subscriber under a tariff plan;
(iii) no charge will be levied for any service without explicit consent of the customers;
(iv) refund of Security Deposit to be made within sixty days, otherwise eligible for interest at the rate of ten per cent per annum;
(v) the rebate in rent due to delay in rectifying the fault beyond minimum specified period, subject to regulations, directions and orders of the Telecom Regulatory Authority of India;
(e) procedure for shifting and transfer of telephone, provision of accessories and customer premises equipment;
(f) information about service availability and coverage for cellular mobile service;
(g) complaint redressal mechanism (including complaint redressal procedure and the time limit for the redressal of grievances by the Call Centre, Nodal Officer and appeal filing and disposal of appeal by appellate authority);
(h) an Annexure I to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks for Basic Service (wire line) specified in clause (i) of regulation 4 of the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005’ (11 of 2005), as amended from time to time, namely:--
(A) Benchmark against S.No.1 relating to Provision of a telephone after registration of demand;
(B) Benchmark against S.No.3 relating to Fault repair by next working day;
(C) Benchmark against S.No.8 relating to Shifts;

(D) Benchmark against S.No.8 relating to Closures;
(E) Benchmark against S.No.9 relating to Response Time to the customer for assistance;
(F) Benchmark against S.No.10 relating to Time taken for refund of deposits after closures.
(i) an Annexure II to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks for Cellular Mobile Telephone Service (Wireless) specified in clause (ii) of regulation 4 of the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005' (11 of 2005), as amended from time to time, namely:--
(A) Benchmark against S.No.A (v) relating to Call Drop Rate;
(B) Benchmark against S.No.A(vi) relating to Percentage of connections with good voice quality;
(C) Benchmark against S.No.B(i) relating to % age of calls answered by operator (voice to voice);
(D) Benchmark against S.No.C(ii) relating to % age of billing complaints resolved within 4 weeks;
(E) Benchmark against S.No.C(iii) relating to Period of all refunds/ payments due to customers from the date of resolution of complaints;
(j) an Annexure III to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks for Broadband Service specified in regulation 3 of the Quality of Service of Broadband Service Regulations, 2006' (11 of 2006), as amended from time to time, namely:--
(A) Benchmark against S.No.i relating to service provisioning/ activation time;
(B) Benchmark against S.No.(ii) relating to Fault repair/ restoration time;
(C) Benchmark against S.No.(iii) relating to Billing performance;
(D) Benchmark against S.No.(iv) relating to Response time to the customer for assistance;
(E) Benchmark against S.No.(v)(b) relating to Broadband Connection Speed (download).
(k) right of consumer for termination or disconnection of the service;
(l) the amount to be deducted, whether as an administrative expenses or otherwise, from the total pre-paid value of service ;

(m) provisions of these regulations, in particular affecting the rights of the consumers;
(n) the duties and obligations of the service provider under these regulations;
(o) any other information which may be affecting the consumers.
Provided that the service provider may include the annexure I or annexure II or annexure III in the Manual, which relate to the services provided by him.
(2) The Manual shall be prepared in English language and Hindi language and language of the State in which, telephone wire line, Cellular Mobile Telecom service and Broadband Service, is provided to the consumer.
(3) The Manual shall be available for reference at every office of the service provider, call center, customer care center, help desk, Nodal Officer(s) and appellate authority, and at the sales outlets and also at the website of the service provider and also by any other mode which the service provider may consider appropriate.
(4) A copy of Manual certified by the service provider “as true copy” as thereof shall be filed with the Authority within three months from the date of commencement of these regulations:
Provided further that a service provider, who has been granted a licence after the commencement of these regulations, shall file, within three months of providing services, a copy of manual certified by the service provider “as true copy” thereof.
<b>22. Providing usage details in respect to Pre-paid mobile connections.</b> – Every service provider shall, on the request from any consumer who has been provided pre-paid mobile connection, supply such consumer, at a reasonable price, the itemized usage charges showing actual service usage details in terms of all call data records including value added services, premium rate services and roaming charges, and their monetary value etc.
<b>CHAPTER VII MISCELLENEOUS</b>
<b>23. Application of other laws not barred.</b> -----The provisions of these regulations shall be in addition to, and not in derogation of, any other law for the time being in force.
<b>24. Right of consumers to seek redressal under the Consumer Protection Act, 1986 or any other law for the time being in force.</b> ----- (1) The provisions of these regulations are in addition to any right conferred upon the consumers under the Consumer Protection Act, 1986 or any law

for the time being in force.

(2) The consumer may, at any time,--

(a) during pendency of redressal of his grievance, whether by filing of complaint or appeal, under these regulations;or

(b) before filing of complaint or appeal, under these regulations,

exercise his right conferred upon him under the Consumer Protection Act, 1986 or any law for the time being in force and seek redressal of his grievance under that law.

**FORM A**

(See sub-regulation (1) of regulation 17 of the Redressal of Consumer Grievances and Consumer Protection in Telecommunication Regulations, 2007.)

**Appeal under regulation 11 of the Redressal of Consumer Grievances and Consumer Protection in Telecommunication Regulations, 2007 to the appellate authority established by-----**

(mention name and address of service provider).

**Page 1/2 of Form A**

<p>1. The Name, Address, Telephone number, Facsimile number and the e-mail address of the Appellant.</p>	
<p>2. Telephone Number or Mobile Number or Broadband Connection Identity, as the case may be, for which appeal is filed</p>	
<p>3. The name of the city /district of the origin of complaint</p>	
<p>4. The name of the State or Service Area, as the case may be, of the origin of complaint</p>	
<p>5. The complaint registration number of the Nodal Officer under clause (c) of regulation 8, and date of lodging the complaint with the Nodal Officer</p>	
<p>6. Date of decision of the Nodal Officer and decision conveyed, if any.</p>	
<p>7. Statement of Facts: (Attach separate sheet signed by Appellant if required)</p>	

**Page 2/2 of Form A**

<p>8. Grounds of Appeal:</p> <p>A full description of the matter, which is the cause of the grievance, including copies of any relevant and supporting documents, if any, and the relief claimed in Appeal</p> <p>(Attach separate sheet signed by Appellant if required)</p>	
<p>9. A statement to the effect that same subject matter, for which an appeal has been filed under these regulations, is not covered in any proceedings before any court or tribunal or any other consumer forum.</p>	
<p>10. Details of any other relevant material or document.</p>	
<p>11. Whether the Appellant requests to grant him exemption from appearing in person and decide the appeal on the basis of information, document or record filed by him.</p>	

**Form for verification**

I, \_\_\_\_\_ (name in full and in block letters), the appellant, son/daughter of \_\_\_\_\_ do hereby declare that to the best of my knowledge and belief, the information given in this appeal and the annexure and statements accompanying the appeal are correct, complete and truly stated.

.....

Signature of Appellant

.....

Status of the Appellant

**Notes:**

1. The form of Appeal, grounds of Appeal and the Form of verification appended shall be signed by Appellant.
2. Appellant shall make appeal in duplicate.

## Schedule

(See regulation 5)

### A. Quality of Service Parameters Basic Service (Landline):

Sl	Name of QoS Parameter	Benchmark (TRAI)
(i)	Provision of Telephone	100% cases in <7 days (subject to technical feasibility).
(ii)	Fault Repair	By next working day: > 90% and within 3 working days: 100%  Rebate: (a) Faults Pending for > 3 working days and < 7 working days: rebate equivalent to 7 days of minimum monthly charge (b) Faults Pending for > 7 working days and < 15 working days: rebate equivalent to 15 days of minimum monthly charge (c) Faults Pending for > 15 working days: rebate equivalent to one month of minimum monthly charge
(iii)	Time taken for refund of deposit after closure	100% within 60 days
(iv)	Shift of Telephone	<3 days
(v)	Closures	<24 hrs
(vi)	Response time to the customer for assistance: % age of calls answered by operator (Voice to Voice) - Within 60 seconds - Within 90 seconds	80% 95%

### B. Quality of Service Parameters Cellular Mobile Telephone Service:

Sl	Name of QoS Parameter	Benchmark (TRAI)
(i)	Call drop rate	Less than 3%
(ii)	%age connection with good voice quality	>95%
(iii)	Billing Performance - %age of Billing Complaints resolved - Period of all refunds due to customers from the date of	100% within 4 weeks  <4 weeks

	resolution of complaints	
(iv)	Response time to the customer for assistance: % age of calls answered by operator (Voice to Voice) - Within 60 seconds - Within 90 seconds	80% 95%

### C. Quality of Service Parameters Cellular Mobile Telephone Service:

Sl	Name of QoS Parameter	Benchmark (TRAI)
(i)	Service Provisioning / Activation Time	100% cases in =<15 working days (subject to technical feasibility). In all cases where payment towards installation charge & security deposit is taken and the Broadband connection is not provided within 15 working days, a credit at the rate of Rs.10/ per day, subject to a maximum of installation charge or equivalent usage allowance shall be given to the customer, at the time of issue of first bill.
(ii)	Fault Repair / Restoration Time	By next working day: > 90% and within 3 working days: 99% Rebate: (a) Faults Pending for > 3 working days and < 7 working days: rebate equivalent to 7 days of minimum monthly charge or equivalent usage allowance (b) Faults Pending for > 7 working days and < 15 working days: rebate equivalent to 15 days of minimum monthly charge or equivalent usage allowance (c) Faults Pending for > 15 working days: rebate equivalent to one month of minimum monthly charge or equivalent usage allowance
(iii)	Billing Performance <ul style="list-style-type: none"> <li>• %age of Billing Complaints resolved</li> <li>• Time taken for refund of deposits after closure</li> </ul>	100% within 4 weeks  100% within 60 days

<b>Sl</b>	<b>Name of QoS Parameter</b>	<b>Benchmark (TRAI)</b>
(iv)	Response time to the customer for assistance: % age of calls answered by operator (Voice to Voice)	Within 60 seconds > 60% Within 90 seconds > 80%
(v)	Broadband Connection Speed (download)	Subscribed Broadband Connection Speed to be met >80% from ISP Node to User

**Secretary**

Note 1. -----The Explanatory Memorandum would be given hereunder explaining the need of various provisions of the Redressal of Consumer Grievances and Consumer Protection in Telecommunication Regulations, 2007.

**Issues for consultation:**

6. What are your views on the Draft Regulations on the institutional mechanism to handle consumer grievances and the Manual of Practice for handling consumer complaints? Will this Mechanism facilitate speedy, inexpensive and effective redressal of complaints?

7. Do you agree that all access service providers including CMSPs, Broadband Service Providers and ISPs need to establish the institutional mechanism to handle consumer grievances and publish the Manual of Practice for handling consumer complaints? If not, please state who should be exempted and the criteria for such exemption.

8. What are your views on the procedure outlined for making complaints given in the Draft Regulations? Please give your suggestions for improvement.

9. Do you agree that the proposed composition of appellate authority within the company is appropriate for (i) speedy and inexpensive alternative dispute resolution mechanism and (ii) maintaining transparency and independence? Please give your suggestions, if any, to further improve upon the proposal.

10. What are your views on the procedure for disposal of appeal envisaged in the Draft Regulations for the appellate authority?
11. What are your views on the suggested procedure of the “Manual of Practice for handling consumer complaints” being made accessible to consumers?
12. What are your views on the procedure detailed in the Draft Regulation No.22 for providing usage details in respect to pre-paid mobile consumers?