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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 5th JANUARY, 2012

No. 305-20/2009-QoS.-----In exercise of the powers conferred by section 36, read with sub-clauses (*i*) and (*v*) of clause (*b*) of 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: -

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TELECOM CONSUMERS COMPLAINT REDRESSAL REGULATIONS, 2012

(1 OF 2012)

CHAPTER I
PRELIMINARY

1. Short title, commencement and application.----(1) These regulations may be called the Telecom Consumers Complaint Redressal Regulations, 2012.

(2) They shall come into force from the date of their publication in the Official Gazette.

(3) These regulations shall apply to all service providers, including Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, being the companies registered under the Companies Act, 1956 (1 of 1956)] providing,--

(i) Basic Telephone Service;

(ii) Unified Access Services;

(iii) Cellular Mobile Telephone Service;

(iv) Internet Service;

Provided that nothing contained in these regulations shall apply to an Internet Service Provider whose turnover in any preceding financial year does not exceed rupees five crore or whose total number of subscribers in any preceding financial year does not exceed ten thousand numbers, as the case may be.

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) "Advisory committee" means Advisory Committee established under regulation 11, by a service provider;

(c) "Appellate Authority" means Appellate Authority appointed under regulation 10, by a service provider;

(d) "Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(e) "Basic Telephone Service" covers collection, carriage, transmission and delivery of voice or non-voice messages over licensee's Public Switched Telephone Network in licensed service area and includes provision of all types of services except those requiring a separate licence;

(f) "Broadband" or "Broadband Service" means a data connection,----

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

(ii) which has the capability of the minimum download speed of two hundred fifty six kilobits 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 a multiple of 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;

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(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 permitted, or, as may be permitted, under Internet service provider's licence with internet telephony, and which shall include such services or download speed or features, as may be specified from time to time, by the licensor;

(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, however, Cell Broadcast is permitted only to the subscribers of the service;

(iii) in respect of 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) "Complaint Centre" means a facility established under regulation 3 by the service provider;

(i) "Consumer" means a consumer of a service provider to whom these regulations apply and includes its customer and subscriber;

(j) "Consumer Care Number" means a telephone number earmarked by a service provider to access its Complaint Centre;

(k) "General Information Number" means a telephone number earmarked by a service provider for providing information to the consumer in response to their query or request;

(l) "Internet Service" means all types of Internet access or Internet content services as provided in the licence;

(m) "Licence" means a licence granted or having effect as if granted under section 4 of the Indian Telegraph Act, 1885 (13 of 1885) or the provisions of the

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Indian Wireless Telegraphy Act, 1933 (17 of 1933);
(n) "regulations" means the Telecom Consumers Complaint Redressal Regulations, 2012;
(o) "service provider" means a licensee to whom these regulations apply;
(p) "service request" means a request made to a service provider by its consumer pertaining to his account, and includes, ---- (i) a request for change of tariff plan; (ii) a request for activation or deactivation of a value added service or a supplementary service or a special pack; (iii) a request for activation of any service available on the service provider's network; and (iv) a request for shift or closure or termination of service or for billing details;
(q) "SMS" means a message which is sent through short message service and includes a Multi Media message which is sent through Multi Media message service (MMS);
(r) "system" means the 'Web Based Complaint Monitoring System' established under sub-regulation (1) of regulation 6.
(s) "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) 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) in respect of 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;
(t) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made there under,

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shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.

CHAPTER II

REDRESSAL OF COMPLAINTS FROM TELECOM CONSUMERS

3. Establishment of Complaint Centre----(1) Every service provider shall, within forty-five days from the date of commencement of these regulations, establish a Complaint Centre for redressal of complaints and for addressing service requests of its consumers;

Provided that the Call Centre, setup by the service provider in accordance with the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007) dated 4th May, 2007, shall continue to be the Complaint Centre for the purpose of these regulations;

Provided further that a service provider, who is providing different services in a licensed service area, may, at its option, set up one or more Complaint Centres, being common or separate, for such services being provided by it;

Provided also that a Complaint Centre for a service area shall provide the service in the local language of that service area in addition to Hindi and English.

(2) Every service provider, who is granted a licence for any service mentioned under sub-regulation (3) of regulation 1, after the commencement of these regulations, shall, before providing services, establish a Complaint Centre in its service area, for redressal of complaints and for addressing service requests of its consumers.

(3) Every Complaint Centre shall be accessible to the consumers between 0800 hrs and 2400 hrs on all days of the week.

(4) Every service provider shall deploy sufficient number of employees at its Complaint Centres to meet the Quality of Service parameters, as may be specified by the Authority from time to time.

(5) Every service provider shall ensure that the Complaint Centre is accessible to its consumers through a "Consumer Care Number" having sufficient lines or connections.

(6)Every service provider shall ensure that the Complaint Center is also accessible through the network of other service providers by earmarking a specific number.

(7) The "Consumer Care Number" shall be toll free.

(8) The Authority may, through directions, issued from time to time, specify a uniform short code for "Consumer Care Number", which may be common for Basic telephone services, Cellular mobile telephone service and Internet service, or different for different services.

(9) Every service provider shall ensure that an Interactive Voice Response System or IVRS, if installed on a "Consumer Care Number", is operated in the following manner:-

(a) the first level of the IVRS provides for language selection;

(b) the second level of the IVRS provides for options relating to the broad categories of complaints and service requests;

(c) the third level of the IVRS provides for a sub-menu under complaints and service requests, separately;

Provided that the sub-menu in the third level shall also contain an option enabling the consumer to speak to a consumer care agent.

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4. Setting up of General Information Number----(1) Every service provider shall, within forty-five days from the date of commencement of these regulations, establish a "General Information Number" for providing information to consumers;

Provided that this is not mandatory where general information is also provided on the Consumer Care Number on a toll free basis.

(2) The Authority may, through directions, issued from time to time, specify a uniform short code for all the service providers as the "General Information Number" and every service provider who has established a separate number as "General Information Number", shall use such short code.

5. Publication of Information----(1) Every service provider shall, within forty-five days from the date of commencement of these regulations, publicise the "Consumer Care Number" and the "General Information Number", through,----

(a) public notice in a leading newspaper in Hindi or English and in a leading newspaper published in a local language of the service area;

(b) display on the website of the service provider;

(c) updation of SIMs of consumers by pre-configuration or over the air transfer;

(d) display in all Complaint Centres and sales outlets; and

(e) the telephone bills issued by the service provider.

(2) Every service provider shall publicise the "Consumer Care Number" and the "General Information Number" in the same manner as given at clause (a) of sub-regulation (1) above, at least once in six months.

(3) In case of any change in the "Consumer Care Number" or the "General Information Number", the same shall be publicised at least one week prior to such change, in the manner specified in sub-regulation (1).

6. Establishment of Complaint Monitoring System.----(1) Every service provider shall, within forty-five days of coming into force of these regulations, establish a 'Web Based Complaint Monitoring System' to enable the consumers to monitor the status of their complaints.

(2) Every service provider shall ----

(a) immediately on establishment of the 'Web Based Complaint Monitoring System', under sub-regulation (1), publish information about the address of the 'Web Based Complaint Monitoring System' and the process for monitoring the complaints in a leading newspaper in Hindi or English and in a leading newspaper in the local language of the service area and through the telephone bills issued by the service provider;

(b) continue to make available such information in the telephone bills issued by the service provider and also publish once in six months in the newspapers in the manner prescribed in clause (a).

(3) Any change in the address of the 'Web Based Complaint Monitoring System' shall also be intimated to the consumers in the same manner as specified under

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sub –regulation (2).

(4) The Authority may, from time to time, issue such directions as it may deem appropriate, to the service providers regarding the 'Web Based Complaint Monitoring System'.

7. Handling of complaints by Complaint Centre----(1) Every Complaint Centre shall, immediately on receipt of a complaint from a consumer, register such complaint and allot a unique number to be called the docket number;

Provided that the docket number assigned under clause (a) of sub-regulation (1) of regulation 4 of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007), shall continue to be the docket number for the purpose of these regulations;

Provided further that the Authority may, if deemed necessary, specify a format for docket number.

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(2) Every service provider shall retain in the system, the details of complaints against each docket number for a minimum period of three months.

(3) Every Complaint Centre shall.----

(a) at the time of registering of the complaint,----

(i)communicate, through SMS, to the consumer the docket number, date and time of registration of the complaint and the time within which the complaint is likely to be resolved; and

(ii)update the system with the date and time of registration of the complaint, docket number assigned under sub-regulation (1), the telephone number of the consumer, and the time indicated to the consumer for resolution of the complaint;

(b) on completion of action on a complaint.----

(i) communicate to the consumer, through SMS, the details of the action taken on the complaint; and

(ii) update the system with the details of action taken.

8. Time limit for redressal of complaints or addressing service requests of consumers----(1) Every service provider shall ensure redressal of the complaints and service requests in accordance with the time frame as specified under the Quality of Service regulations issued by the Authority;

(2) Where a time limit has not been specified under the Quality of Service regulations issued by the Authority, the complaints and service requests shall be addressed within a time period not exceeding three days.

CHAPTER III
APPEAL TO APPELLATE AUTHORITY FOR REDRESSAL OF CONSUMER COMPLAINTS

9. Appeal to Appellate Authority.----(1) Where a consumer is not satisfied with the redressal of his complaint by the Complaint Centre, or his complaint remains unaddressed or no intimation of redressal of the complaint is received within the period specified in regulation 8, such consumer may prefer an appeal to the Appellate Authority of the concerned service provider for redressal of his complaint.

(2) A consumer may prefer an appeal before the Appellate Authority under sub-regulation (1) either through e-mail or facsimile or post, or in person;

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

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(3) Every appeal under sub-regulation (1) shall be preferred within a period of thirty days after expiry of the time limit specified in regulation 8;

Provided that the Appellate Authority may entertain an appeal after the expiry of the said period of thirty days but before three months from the expiry of the time limit specified in regulation 8, if it is satisfied that there was sufficient cause for not filing it within that period.

(4) No fee shall be charged from a consumer for filing an appeal before the Appellate Authority.

10. Appellate Authority -Establishment and Composition ----(1) Every service provider shall, within forty-five days of the commencement of these regulations, establish an Appellate Authority in each of its licensed service areas to dispose of the appeals filed under sub-regulation (1) of regulation 9;

Provided that a service provider, who provides different services in a licensed service area, may, at its option, establish an Appellate Authority, being common or separate, for such services being provided by it;

Provided further that a service provider, being only an Internet Service

Provider having all India licence, may, for the purpose of these regulations, establish an Appellate Authority for any part or whole of India.

(2) The Appellate Authority shall consist of one or more persons as may be decided by the service provider.

(3) Every service provider shall, immediately on establishment of the Appellate Authority, publish in two leading newspapers, one in Hindi or English and the other in the local language of the service area, the details of the Appellate Authority, including the names, designation, address, fax number and e-mail address, and also arrange to display the said details in each of its offices, Complaint Centres, at its sales outlets and also on its website.

(4) The service provider shall, within seven days of appointment of the Appellate Authority, intimate to the Authority, the details of the Appellate Authority.

11. Advisory Committee-Establishment, Composition and Functions---- (1) Every service provider shall, within forty-five days of the commencement of these regulations, establish an Advisory Committee to examine and render advice on the appeals filed before the Appellate Authority.

(2) The Advisory committee shall consist of two members of which one member shall be from the consumer organisations registered with the Authority and the other member shall be a representative of the service provider;

Provided that a member from the consumer organisations shall not be appointed as a member in more than such number of Advisory Committees as may be specified by the Authority.

(3) The service provider shall, within seven days of the appointment of the Advisory Committee, intimate to the Authority the details of the Advisory Committee.

(4) The member of the Advisory Committee appointed from the consumer organisations under sub-regulation (2) shall hold office for a term not exceeding one year, which may be extended for a further period of one year;

Provided that such member shall not be removed before completion of his tenure, except with the prior written approval of the Authority;

Provided further that the service provider seeking the approval of the Authority for removal of a member shall furnish to the Authority the reasons for

such removal.

(5)The service provider shall pay to the member of the Advisory Committee, appointed from the consumer organisation, an honorarium of rupees two thousand per sitting of the Advisory Committee.

(6) The Advisory Committee shall meet in such a manner that it shall render its advice on every appeal placed before it within fifteen days.

(7) The Advisory Committee shall not receive any appeal directly.

12. Secretariat of Appellate Authority----(1) 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.

(2) The service provider shall appoint or designate one of its officers or employees as Secretary to Appellate Authority.

13. Registration of Appeals and scrutiny by Advisory Committee---- (1)The Secretariat of Appellate Authority shall,----

(a) immediately on receipt of an appeal, register it by assigning a unique appeal number;

(b) acknowledge the appeal, within three days of its receipt, by sending the unique appeal number through SMS or e-mail to the consumer;

(c) forward, within three days from the date of receipt of the appeal, a copy of the appeal to the service provider concerned for filing a reply, within seven days, alongwith the relevant information, document or record; and

(d) within two days of receipt of the reply from the service provider place the reply, alongwith the appeal, before the Advisory Committee for its consideration.

(2) The Advisory Committee shall render its advice on every appeal placed before it within fifteen days.

(3) The Secretariat shall, within two days of receipt of the advice of Advisory Committee, place before the Appellate Authority, the appeal, the reply received from the service provider under clause (c) of sub-regulation (1) above and the advice of the Advisory Committee, for its consideration.

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14. Disposal of appeal by Appellate Authority----(1) The Appellate Authority shall ensure uniformity in the procedure for deciding appeals and shall comply with the provisions contained in sub-regulations (2).

(2) The Appellate Authority shall, within ten days of the appeal being placed before it, conduct such inquiry as it may consider necessary and dispose of the appeal by passing a reasoned order in writing stating therein the points for determination and the decision thereon;

Provided that the Appellate Authority shall, while deciding the appeal, give due consideration to the advice given by the Advisory Committee;

Provided further that in case the Appellate Authority decides the appeal otherwise than in accordance with the advice of the Advisory Committee, it shall record the reasons for the same in the order passed by it.

(3) The presence of the appellant shall not be obligatory, but he may, if he so desires, appear in person to present his case before the Appellate Authority.

(4) On disposal of the appeal by the Appellate Authority, the Secretariat shall intimate the decision thereof to the appellant and the service provider.

15. Reporting requirements----(1) The Secretariat shall keep record of the appeals preferred, reply of the service provider, the advice of the Advisory Committee and the decisions of the Appellate Authority.

(2) Every service provider shall submit to the Authority and also place on its website, by the 15th of the month succeeding every quarter, a report mentioning therein -----

(a) the number of appeals received;

(b) number of appeals disposed of;

(c) number of appeals pending; and

(d) such other particulars, as may be required by the Authority.

(3) The Authority may, if it deems necessary, publish the report submitted to it under sub-regulation (2) and also place the same on its website.

16. Complaints referred 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), refer to a service provider, for the purpose of redressal,---

(a) complaints alleging violation of the Act or regulations made there under or directions issued or orders made by it under the Act;

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

(c) complaints alleging that a practices adopted by the service providers adversely affects the interest of the consumers;

(d) a complaint of such nature that, in the opinion of the Authority, is required to be resolved expeditiously by the service provider.

(2) Every service provider shall investigate and find out the root cause of all complaints referred by the Authority under clauses (a), (b) and (c) of sub-regulation (1) and redress such complaints, under information to the consumers as well as the Authority of the result within one month from the date of reference of the complaint.

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(3) Every service provider shall resolve every complaint referred to under clause (d) of sub-regulation (1) within seven days of reference of the complaint, and inform the result to the Authority within three days of the resolution of the complaint.

(4) In case the investigation and root cause of the complaints referred to under sub-regulation (2) reveal general deficiency or systemic inadequacy in practice or procedure or operation adopted by or on the part of the service provider, the service provider shall take remedial measures in respect of all similarly placed consumers and intimate the same to the Authority within one month of reference of the complaint.

CHAPTER V
CITIZEN'S CHARTER

17. Citizen's Charter ----(1) Every Service provider shall within sixty days of the coming into force of these regulations, publish a 'Citizen's Charter' containing the following information:-

(a) name and address of the service provider;

(b) services offered by the service provider, including the details of geographic areas where such services are available;

(c) terms and conditions of service offered by the service provider;

(d) Quality of Service parameters specified by the Authority in respect of each of the services;

(e) Quality of Service promised by the service provider in respect of each service and geographic area;

(f) details about equipment offered to the consumer by the service provider in respect of any of the services;

(g) right of consumers under the different regulations, orders and directions issued by the Authority; and in particular those relating to Tariff, Mobile Number Portability, Telecom Commercial Communications Customer Preference Regulations, 2010 (TCCCPR) and Value Added Services (VAS);

(h) the duties and obligations of the service provider under the different regulations, orders and directions issued by the Authority; and in particular those relating to Tariff, Mobile Number Portability, TCCCPR, and VAS;

(i) General Information Number;

(j) Consumer Care Number;

(k) complaint redressal mechanism, including complaint redressal procedure and the time limits for redressal of complaints;

(l) e-mail, contact address, telephone number and facsimile number of the Appellate Authority and time limits for disposal of appeals;

(m) procedure for termination or disconnection of each service offered by the service provider; and

(n) any other information that may be specified by the Authority from time to time.

(2) The 'Citizen's Charter' shall be prepared in Hindi, English and the local language of each service area.

(3) The 'Citizen's Charter' shall be available for reference at every office of the service provider, Complaint Centre, at the sales outlets and on the website of the service provider.

(4) A copy of the 'Citizen's Charter' or its abridged version containing salient features such as terms and conditions of service, the Consumer Care Number,

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the General Information Number, contact details of Complaint Centre and the Appellate Authority, procedure and time limit for redressal of complaints and disposal of appeals shall be provided by the service provider to each consumer at the time of subscription for service.

(5) A copy of the 'Citizen's Charter' shall be filed with the Authority within sixty days from the date of commencement of these regulations:

Provided that a service provider, who has been granted a licence after the commencement of these regulations, shall file with the Authority, before commencement of service, a copy of 'Citizen's Charter'.

(6) The service provider shall file with the Authority, by 15th January of every year, a fresh copy of the 'Citizen's Charter' incorporating all changes effected.

CHAPTER VI
MISCELLANEOUS

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18. Inspection and Auditing----(1)Every service provider shall maintain complete and accurate records of redressal of complaints by its Complaint Centre and the Appellate Authority.

(2) The Authority may, if it considers it expedient so to do, and to ensure compliance of the provisions of these regulations, by order in writing, direct any of its officers or employees or an independent agency appointed by the Authority, to----

(a) inspect the Complaint Centre and the Secretariat of the Appellate Authority and the records maintained under sub-regulation (1); or,

(b) get the records maintained under sub-regulation (1) audited.

19. Application of other laws not barred----The provisions of these regulations shall be in addition to, and not in derogation of, any other law for the time being in force.

20. Reckoning of time limit for the purposes of these regulations----The time limit or the period specified under these regulations, for redressal of complaints or disposal of appeals, shall exclude the day of making such complaint or preferring an appeal, as the case may be.

21. These regulations not to apply in certain cases----(1)Nothing contained in these regulations shall apply to any matter or issue for which--

(a) any proceedings before any court or tribunal are pending; or

(b) a decree, award or an order has already been passed by any competent court or tribunal or authority or forum or commission, as the case may be.

22. Repeal and saving.----(1) The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said regulations shall be deemed to have been done or taken under the corresponding provisions of these regulations.

23. Interpretation.----In case of any doubt regarding interpretation of any of the provisions of these regulations, the clarification by the Authority shall be final and binding.

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(N. Parameswaran)
Secretary-in-charge

Note----- The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Complaint Redressal Regulations, 2012.

Explanatory Memorandum

1. Consumer protection is one of the focus areas of TRAI. TRAI has taken several measures to protect the interest of consumers, facilitated availability of telecom services at affordable price and has ensured Quality of Service provided by telecom service providers. Notwithstanding this, consumers continue to have concerns. Given the large base of telecom consumers in the country, the number of complaints would be large even if the percentage of dissatisfied consumers is low.

2. Effective redressal of consumer complaints is therefore of prime importance. While the measures taken by TRAI so far have been, by and large effective, the effort in this regard is a continuous process and requires to be reviewed from time to time to improve the effectiveness of complaint redressal. In May 2007, TRAI had issued the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007. These regulations provided a framework for redressal of consumer grievances through establishment of a three-tier redressal mechanism. However, TRAI has received representations from consumers and consumer organisations that the grievance redressal mechanism established by the service providers needs to be improved by making it more effective and also increasing the awareness among the consumers about the said mechanism.

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3. In order to review the present framework relating to redressal of consumer grievances, TRAI had issued a Pre-Consultation Paper on 'Telecom consumer protection and redressal of consumer grievances' on 11th May 2010 to seek the comments of the stakeholders. The feedback received from the stakeholders emphasised the need for effective redressal of consumer complaints by the telecom service providers at all levels including at the level of Nodal officer and the Appellate Authority. They also indicated that there is hardly any information regarding call charges especially to prepaid subscribers.

Their concern was that the response from the telecom service providers to the complaints is unsatisfactory.

4. In a meeting convened by TRAI with different telecom service providers and Consumer Advocacy Groups on 12th May 2010 at Delhi, there was a general consensus that the present consumer grievance redressal mechanism needs to be strengthened further. Surveys undertaken by TRAI through independent agencies also revealed that there was low awareness amongst consumers about the complaint redressal mechanism set up by the service providers and also that the customers were dissatisfied with the redressal measures being provided.

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5. Based on the feedback received, the Authority issued a Consultation Paper on "Review of Measures to Protect Interest of Consumers in the Telecom Sector" on 2nd August, 2010. The consultation paper focused, inter alia, on the review of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 and review of measures to protect the interest of consumers. Comments were received from various stakeholders and were uploaded on TRAI website. Open House Discussions were held at Jaipur on 14.12.2010, at Mumbai on 5.1.2011, at Chennai on 21.1.2011, at Lucknow on 11.3.2011 and at Kolkata on 16.3.2011.

6. Based on the comments received during public consultation and keeping in view the interests of telecom consumers and service providers, the Authority finalised the draft Telecom Consumers Complaint Redressal Regulations, 2011which was published on TRAI website on 04th July, 2011, calling for comments. Comments were received from various stakeholders and these were also uploaded on TRAI website. The present Telecom Consumers Complaint Redressal Regulations are thus a result of an extensive consultation process.

7. The regulations provide for the establishment of a Complaint Centre with a toll free "Consumer Care Number". During the consultation process, several stakeholders have raised the issue that for accessing their service provider for either booking a complaint or making a service request, they should be able to access the Complaint Centre through some other service provider. This is mainly required when there is disruption or disconnection of service. The regulations accordingly mandate the provision of an alternate number for the 'Consumer Care Number' which can be accessed from any network.

8. In May 2010, the Authority had also issued detailed guidelines for setting up of a 'General Information Number' for providing information to customers, to service providers. Accordingly, these regulations mandate the provision of a separate number at its Complaint Centre to be called as 'General Information Number'.

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9. Concerns have been expressed by customers about difficulty in navigating the IVRS menu at the Call Centre and that they are unable to speak to a customer care agent. Some of the service providers opposed the prescription of the format of the IVR menu and wanted TRAI to leave them free to implement as per their requirements. Since a sizeable segment of subscribers are from the rural areas and the low income group, it is necessary that the IVRS menu should have an option of the subscriber being able to speak to the customer care agent. Hence, a provision has been made in these regulations prescribing the manner in which the IVRS menu shall be managed including the provision for speaking to a customer care agent.

10. One of the issues highlighted during the consultation process relates to low awareness about the existing grievance redressal mechanism. To address this issue, it was proposed in the draft regulations that advertisement about the Complaint Centre and Appellate Authority may be published every six months in two newspapers and also such information should be given through

website, telephone bills, vouchers, complaint centres, sales office and through pre-configuration or over the air transfer in the SIM. The draft regulations also proposed that whenever there is a change, a similar advertisement may be made. During the consultation process, there have been suggestions from service providers to keep the frequency for publication in the newspapers to twelve months on account of cost considerations. On the other hand the consumer organizations suggested the frequency to be three months. The Authority has considered both the arguments and has decided to retain the frequency of six months.

11. Several stakeholders including some consumer organizations have complained that though the present regulations have a provision for issue of docket number, the customer is not sure if his complaint has been registered and the time that is likely to be taken by the service provider for its resolution. Accordingly, it has been mandated in these regulations that every complaint shall be registered by giving a unique docket number, which should remain in the system for at least three months. The docket number along with date and time of registration and the time limit for resolution of the complaint would be communicated to the consumer. The customer shall also be informed of the action taken.

12. It was proposed in the draft regulations that the service providers should establish, within six months, a 'Web Based Complaint Monitoring System' to enable the consumers to monitor the status of their complaints. During the consultation process, the Authority was informed that the CDMA based operators have implemented web based complaint system. There were also suggestions that other options (other than Web Based) such as SMS based Monitoring system could be established by the operators and would be more useful. The limitations with regard to SMS based system is that it has limited characters and hence customers may not get complete details. Further, in case of SMS based complaint monitoring system, it is difficult for third parties

including TRAI to monitor such complaints. As such, web based system was found to be more suitable and technically feasible. The Authority held a meeting with the service providers in this regard when they agreed that it would be possible to implement this system within a short time. Accordingly, the regulations mandate the service providers to implement the web-based complaint system.

13. During the initial consultation process, many consumer organisations had opined that the system of Nodal Officer and Appellate Authority has not been effective and suggested replacing the same with an effective body for redressal of grievances of consumers, which will also have representatives from consumer organisations. The Authority kept in view the serious concerns expressed by consumers and consumer organisations about accessibility of the Nodal Officer and large number of complaints being received in TRAI about unsatisfactory resolution of complaints by the Call Centre. The Authority decided to make the three-tier mechanism into a two-tier one by doing away with the Nodal Officer. This is because the Complaint Centres are essentially registration and response centres and do not themselves deal with the resolution of complaints. They only facilitate registration of consumer complaint and the level at which a problem is resolved within a company depends upon the complexity of the issue involved.

14. If the consumer is not satisfied with the resolution of the complaints, he can approach the next tier – the Appellate Authority for redressal of his complaints. Additionally, in order to strengthen the functioning of Appellate Authority, it was proposed in the draft regulations to replace the existing Appellate Authority with a three member Appellate Authority including one member from CAGs and one member from the service provider, all the members being appointed by the service provider. During consultation process, while the consumer organisations had supported the proposals, the service providers and industry associations argued that the above proposals were not

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feasible. Essentially, they did not want any outside agency in the decision making apparatus. After discussions on this issue, the Authority has decided that there would be a two-member Advisory Committee comprising of one representative of consumer organisation registered with TRAI and one member from the service provider, to render advice to the Appellate Authority on every appeal filed before the Appellate Authority.

15. The regulations now prescribe that every service provider shall appoint an Appellate Authority in each service area within forty-five days of commencement of these regulations. The Appellate Authority shall be a one or more than one member body, at the discretion of the service provider. Every appellate authority shall have a Secretariat. The Secretariat shall register the appeal, acknowledge the appeal with a unique appeal number, and forward the appeal to the service provider for its reply. On receipt of reply from the service provider, it shall place before the Advisory Committee the appeal and reply received from the service provider, for its advice. On receipt of advice of Advisory Committee, it shall place before the Appellate Authority the appeal filed, reply received from the service provider and advice tendered by the Advisory Committee for a decision. The Appellate Authority shall take a decision on the appeal upon placing of the appeal by the Secretariat.

16. The regulations also provide for the time bound resolution of complaints received by the Authority and referred to service provider. These provisions are similar to the provisions contained in the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007.

17. The regulations also provide for a Citizen's Charter. Keeping the interest of the consumer, the Authority has prescribed detailed guidelines, regarding material to be published in the Citizen's Charter. The provisions of this Charter are similar to the Manual of Practice for handling consumer complaints

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provided in the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007. The Citizen's Charter, additionally, provides details about General Information Number, Consumer Care Number, right of consumers under the different regulations, orders and directions issued by the Authority, in particular those relating to Tariff, Mobile Number Portability, Telecom Commercial Communications Customer Preference Regulations, 2010 and Value Added Services.

18. These regulations are in addition to, and not in derogation of, any other law for the time being in force. At any point of time, either during the redressal of the complaint under these regulations or thereafter, can seek legal remedy under any law for the time being in force.

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

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 11th JANUARY, 2012

TELECOM CONSUMERS COMPLAINT REDRESSAL (AMENDMENT) REGULATIONS, 2012 (3 OF 2012)

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No. 305-20/2009-QoS.-----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 to amend the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012), namely:-

1. (1) These regulations may be called the **Telecom Consumers Complaint Redressal (Amendment) Regulations, 2012.**
(2) They shall come into force with effect from the date of their publication in the Official Gazette.
2. In Chapter V of the Telecom Consumers Complaint Redressal Regulations, 2012 (hereinafter referred as principal regulations), in the heading, for the words "CITIZEN'S CHARTER" the words "TELECOM CONSUMERS CHARTER" shall be substituted.
3. In regulation 17 of the principal regulations, in the heading, all sub-regulations and the proviso, for the words "Citizen's Charter" the words "Telecom Consumers Charter" shall be substituted.

(N. Parameswaran)
Secretary-in-charge

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

Note.2. --The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Complaint Redressal (Amendment) Regulations, 2012.

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EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012) on 5th January, 2012 to improve the effectiveness of complaints redressal for the telecom consumer by the service provider. In Chapter-V of these regulations, provisions have been made for publication of a Citizen's Charter by the service providers within sixty days of coming into force of these regulations, containing certain information.

2. The provisions of these regulations are applicable specifically to telecom consumers. So the Authority has decided to rename the "Citizen's Charter" as "Telecom Consumers Charter". Accordingly, the term "Citizen's Charter", wherever appearing in Chapter-V of the Telecom Consumers Complaint Redressal Regulations, 2012 has been replaced by the term "Telecom Consumers Charter" through the Telecom Consumers Complaint Redressal (Amendment) Regulations, 2012.

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EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 11th SEPTEMBER, 2013

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

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

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1. (1) These regulations may be called the Telecom Consumers Complaint Redressal (Second Amendment) Regulations, 2013.

(2) These regulations shall come into force from the date of their publication in the Official Gazette.

2. In regulation 3 of the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012) (hereinafter referred to as the principal regulations), ---

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Rajeev Agrawal)

Secretary

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

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

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

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EXPLANATORY MEMORANDUM

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

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

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

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

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TO BE PUBLISHED IN THE GAZETTE OF INDIA,

EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 01 JULY, 2014

No. 305-11/2014-QoS -----In exercise of the powers conferred by section 36, read with sub-clauses (i) and (v) of clause (b) of subsection (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012), namely:-

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TELECOM CONSUMERS COMPLAINT REDRESSAL

(THIRD AMENDMENT) REGULATIONS, 2014 (7 OF 2014)

1. (1) These regulations may be called the Telecom Consumers Complaint Redressal (Third Amendment) Regulations, 2014.

(2) These regulations shall come into force from the date of their publication in the Official Gazette.

2. In regulation 2 of the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012), for clause (f), the following clause shall be substituted, namely: -

सुधीर गुप्ता/SUDHIR GUPTA
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India
नई दिल्ली-110002/New Delhi-110002

"(f) "Broadband" or "Broadband Service" means a data connection that is able to support interactive services including Internet access and has the capability of the minimum download speed of five hundred and twelve kilo bits per second (512 kbps) to an individual subscriber from the point of presence (POP) of the service provider intending to provide Broadband service."

(Sudhir Gupta)
Secretary

सुधीर गुप्ता/SUDHIR GUPTA
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
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Note.1. — The Telecom Consumers Complaint Redressal Regulations, 2012 (hereinafter referred to as the principal regulations) were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 5th January, 2012 vide notification No. 305-20/2009-QoS dated the 5th January, 2012.

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

Note.3. —The principal regulations were further amended by issuing the Telecom Consumers Complaint Redressal (Second Amendment) Regulations, 2013 (11 of 2013) dated the 11th September, 2013

Note.4. —The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Complaint Redressal (Third Amendment) Regulations, 2014 (7 of 2014).

EXPLANATORY MEMORANDUM

1. The Telecom Regulatory Authority of India issued the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012) on 5th January, 2012 to improve the effectiveness of complaints redressal for the telecom consumer by the service provider.

2. As per Broadband Policy 2004, the Broadband was defined as "An always on data connection that is able to support interactive services including Internet access and has the capability of the minimum download speed of 256 kilo bits per second (kbps) to an individual subscriber from the Point of Presence (POP) 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 this POP. The interactive services will exclude any services for which a separate licence is specifically required, for example, real-time voice transmission, except to the extent that it is presently permitted under ISP licence with Internet Telephony".

3. Department of Telecommunications, Ministry of Communications and Information Technology, New Delhi vide Notification S.O. No. 4-4/2009-Policy-I, dated the 18th July, 2013 in supersession of the definition of Broadband contained in the Broadband Policy, 2004 and in consonance with point 1.5 of part IV (Strategies) contained in the National Telecom Policy-2012 and after consideration of the recommendation of the Telecom Regulatory Authority of India has revised the definition of Broadband as follows:----

सुधीर गुप्ता/SUDHIR GUPTA
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
Telecom Regulatory Authority of India
नई दिल्ली-110002

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"Broadband is a data connection that is able to support interactive services including Internet access and has the capability of the minimum download speed of 512 kilo bits per second (kbps) to an individual subscriber from the point of presence (POP) of the service provider intending to provide Broadband service."

4. Above stated notification was published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 8th August, 2013.

5. Based on above, the Authority has amended the Telecom Consumers Complaint Redressal Regulations, 2012 (1 of 2012).

सुधीर गुप्ता/SUDHIR GUPTA
सचिव/Secretary
भारतीय दूरसंचार विनियामक प्राधिकरण
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