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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 4th MAY, 2007

TELECOM CONSUMERS PROTECTION AND REDRESSAL OF GRIEVANCES REGULATIONS, 2007 (3 OF 2007)

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F. No. 303-10/2006-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, namely: -

CHAPTER I
PRELIMINARY

1. **Short title, commencement and application.--** (*1*) These regulations may be called the **Telecom Consumers Protection and Redressal of Grievances 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 [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;

(b) all service providers (including the Bharat Sanchar Nigam Limited and the Mahanagar Telephone Nigam Limited) providing Broadband 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 crores or whose total number of Broadband 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) "appellate authority" means one or more persons appointed as appellate authority under regulation 10, by a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1;

(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 licensed service area and includes provision of all types of services except those requiring a separate licence;

(e) "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 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 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;

(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;

(f) "Call Centre" means a department or a section or a facility established under regulation 3 by the service provider, falling in clause (a) or clause

(b) of sub-regulation (3) of regulation 1 for redressal of grievances of its consumers by telephone or electronic means or 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, 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) "consumer" means a consumer of a service provider falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1 and includes its customer and subscriber ;

(i) "Indian language" means a language specified in the Eighth Schedule to the Constitution;

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

(k) "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 Indian Wireless Telegraphy Act, 1933 (17 of 1933);

(l) "Manual" means the Manual of Practice for handling consumer complaints referred to in regulation 20;

(m) "Nodal Officer" means the officer appointed or designated under regulation 6 by a service provider falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1;

(n) "Public Switched Telephone Network" means a fixed specified switched public telephone network providing a two-way switched telecommunications service to the general public;

(o) "regulations" means the Telecom Consumers Protection and Redressal of Grievances of Regulations, 2007;

(p) "Schedule" means the Schedule annexed to these regulations;

(q) "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;

(r) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made thereunder, shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.

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CHAPTER II
REDRESSAL OF GRIEVANCES OF TELECOM CONSUMERS BY CALL CENTRES OF SERVIC PROVIDERS

3. Establishment of Call Centre.----(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, within sixty days from the date of commencement of these regulations, establish a "Call Centre" for redressal of grievances of its consumers, and, such Call Centre shall be accessible to its consumers round the clock during all days in a week :

Provided that the Consumer Grievance Redressal Mechanism, set up by the service providers (including the Bharat Sanchar Nigam Ltd, and the Mahanagar Telephone Nigam Ltd) at Call Centre level in accordance with the instructions of the Government of India, Ministry of Communications and Information Technology (Department of Telecommunications), Licensing Cell (Basic Services Group) vide No.16-6/2005-BS-II dated the 22nd September, 2005, shall continue to be the Call Centre for the purposes of these regulations:

Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall establish, simultaneously with provision of services, a Call Centre for redressal of grievances of its consumers.

Provided also that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1,who is providing,----

(a) different services in a licensed service area, may, at its option, set up one or more Call Centres, being common or separate, for such services being provided by it;

(b) services in two or more licensed service areas, may, at its option, set up one or more Call Centres, being common or separate, for one or more such service areas.

(2) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall---

(a) employ or engage sufficient number of officers or employees at its Call Centres;

(b) earmark or allot or establish a basic telephone or cellular mobile telephone number having sufficient lines or connections to be called as the "toll free number" or "consumer care number" or "help line number" or "special number", as the case may be, at its Call Centres**,**

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 of Basic and Cellular Mobile Services, 2005 dated the 1st July, 2005 (11 of 2005) published under F.No. 305-2/2005(QoS) Vol.II on the 8th July, 2005 and the Quality of Service of Broadband Service Regulations 2006 dated the 6th October, 2006 (11 of 2006) published under No.304-6/2004-QoS on the 10th October, 2006 in the Official Gazette, Part III, Section 4, as amended from time to time by the Authority.

(3) No call charges or short message service charges shall be levied upon, or payable by its consumers, for calls made, or, short message service sent, to the "toll free number" or "consumer care number" or "help line number" or "special number", as the case may be, referred to in clause (b) of sub-regulation (2).

(4) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, immediately on establishment of its Call Centre, give, through a public notice in a newspaper published in Hindi/English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services, and, through the telephone bills if issued by the service provider, the contact details including therein the "toll free number" or "consumer care number" or "help line number" of such Call Centres in respect of each licensed service area for which the Call Centres have been established and thereafter give such public notice at least once in twelve months in the same manner:

Provided that in case of change of Call Centres or change of its "toll free number" or "consumer care number" or "help line number", the same shall be intimated through public notice and telephone bills if

issued by the service provider, in the same manner as provided in these regulations.

4. Procedure for handling grievances by Call Centres.----(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, ensure that the Call Centres, 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;

Provided that a unique docket number assigned under sub-paragraph (i) of paragraph 8 in the Direction F.No.303-6/2006-QoS dated the 29th August, 2006 before the commencement of these regulations, shall be the docket number for the purposes of these regulations.

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

(c) record details in respect of such complaint;

(d) intimate to the consumer ,---

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

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

the action taken on the complaint; and

(e) intimate contact details of the Nodal Officer (including his name, telephone number and address) to the consumer in case the consumer is not satisfied with the redressal of his grievance or when requested by him.

5.Time limit for redressal of grievance of consumers by Call Centres.-----(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, without prejudice to the time limits or periods specified in the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 dated the 1st July, 2005 (11 of 2005) and the Quality of Service of Broadband Service Regulations 2006 dated the 6th October, 2006 (11 of 2006), address the request or redress the grievances of its consumers, within the time limits or periods, and, in respect of matters or parameters, specified in the Schedule.

(2) In a case—

(a) where no parameter or time limit, relating to fault or disruption of service or disconnection of service, has been specified in the Schedule, all complaints relating to such fault or disruption of service or disconnection of service shall be redressed within three days from the date of registration of complaint;

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(b) where no parameter or time limit has been specified in these regulations or any other regulations made under the Act for redressal of any grievance, all such complaints shall be redressed within seven days from the date of registration of complaint;

(c) where 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 Centres shall redress the grievances of the consumer within such specified time.

CHAPTER III
REDRESSAL OF CONSUMER GRIEVANCES BY NODAL OFFICERS

6. Appointment of Nodal Officer.---(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, within one month from the date of commencement of these regulations, appoint or designate one or more Nodal Officers, in each of its licensed service area for the purposes of these regulations:

Provided that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall appoint or designate simultaneously with provision of services, any of its employees or officers as one or more Nodal Officers, in each of its licensed service area for the purposes of these regulations:

Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who provides different services in a licensed service area, may, at its option, appoint or designate one or more Nodal Officers, being common or separate, for such services being provided by it.

(2) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, immediately on appointment or designation of a Nodal Officer, -

(a) give, through a public notice in a newspaper published in Hindi/English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services and through telephone bills if issued by the service provider, indicating therein the name of the Nodal Officer, his address and telephone number, e-mail address, facsimile number and other means of contacting him in respect of each area for which the Nodal Officers have been appointed or designated and thereafter give such public notice at least once in twelve months in the same manner:

Provided that in case of change of the name of the Nodal Officer, his address and telephone number, e-mail address, facsimile number

and other means of contacting him shall be intimated by public notice and telephone bills if issued by the service provider, in the same manner as provided in these regulations;

(b) display, at its each office, Call Centre, customer care centre, help desk, and, at the sales outlets, website and at the office of the Nodal Officer and the appellate authority, the name of the Nodal Officers, their addresses and telephone numbers, e-mail addresses, facsimile numbers and other means of contacting them, in respect of each area for which the Nodal Officers have been appointed or designated.

(3) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall appoint or designate such number of Nodal Officers under sub-regulation (1) and for such areas, as may be considered by it necessary, for Nodal Officer being easily accessible and available for redressal of grievance of the consumers.

7. Redressal of Consumer Grievances by Nodal Officers.------ In case a consumer is not satisfied with the redressal of his grievance by the Call Centre, such consumer may approach, by a letter in writing, or through telephone, or web based online filing of complaints or through short message service or through other electronic means and any other means, the Nodal Officer of the service provider for redressal of his grievance:

Provided that a consumer may, in emergent situation, approach at the first instance a Nodal Officer instead of a Call Centre and the Nodal Officer shall redress the grievance.

8. Handling of grievances of consumers by Nodal Officers.---- Every Nodal Officer shall, ----

(a) be accessible to the consumers at the address made available by the public notice and telephone bills, as referred to in clause (a) of sub-regulation (2) of regulation 6;

(b) register every complaint lodged by the consumers;

(c) communicate, within three days from date of the receipt of the complaint, the unique complaint number to the consumer;

(d) after taking the remedial measure for redressal of the grievance or decision thereon, intimate, within the time limit specified in regulation 9, the remedial measure or decision taken, to the consumer,

9. Time limit for redressal of complaints by Nodal Officer.----- The Nodal Officer shall redress the complaints of the consumer within ten days of the registration of the complaint under clause (b) of regulation 8:

Provided that complaints relating to fault or disruption of service or disconnection of service shall be redressed within three days from the date of registration of complaint under clause (b) of regulation 8:

CHAPTER IV
APPEAL TO APPELLATE AUTHORITY OF SERVICE PROVIDER FOR REDRESSAL OF CONSUMER GRIEVANCES

10. Appointment of appellate authority. ----(1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, within three months from the date of commencement of these regulations, appoint one or more appellate authorities, in each of its licensed service area to hear and dispose of 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 Communications and Information Technology (Department of Telecommunications), Licensing Cell (Basic Services Group) vide No.16-6/ 2005-BS-II dated the 22nd September 2005, shall continue to be the appellate authority for the purposes of these regulations:

Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (*3*) of regulation 1, who has been granted a licence after the commencement of these regulations, shall appoint, simultaneously with provision of services, one or more appellate authorities, in each of its licensed service area for the purposes of these regulations:

Provided also that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who provides different services in a licensed service area, may, at its option, appoint one or more appellate authorities, being common or separate, for such services being provided by him:

Provided also that a service provider, falling in clause (b) of sub-regulation (3) of regulation 1, being an Internet Service Provider, providing Broadband Service and having all India licence, may, for the purpose of these regulations, appoint one or more appellate authorities for any part or whole of India.

(2) Every service provider, referred to in sub-regulation (1), shall, immediately on appointment of an appellate authority,---

(a) give, a public notice in a newspaper published in Hindi/English language and in a newspaper published in an Indian language in circulation in the area in which such service provider is providing services and through telephone bills if issued by the service provider, indicating therein, the address of the appellate authority and the telephone number, e-mail address, facsimile number and other means of contacting the secretariat of the appellate authority and the procedure for filing the appeal, and, thereafter, give such public notice at least once in twelve months in the same manner;

(b) display, at its each office, Call Centre, customer care centre, help desk, and, at the sales outlets, website, office of the Nodal Officer and appellate authority, the name of the appellate authority, its address and telephone numbers, e-mail address, facsimile numbers and other means of contacting the secretariat of the appellate authority and procedure for filing the appeal, in respect of each licensed service area for which the appellate authority has been appointed.

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 concerned service provider referred to in sub-regulation (1) of regulation 10 for redressal of his grievance.

(2) Every appeal to the appellate authority under sub-regulation (1) shall be made in duplicate, in the Form annexed to these regulations.

(3) 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 but before one year from the time limit specified in regulation 9 if it is satisfied that there was sufficient cause for not filing it within that period.

(4) Every service provider, referred to in sub-regulation (1) of regulation 10, shall make available to the consumer the Form referred to in sub-regulation (2) free of charge,---

(a) at its every office and sales outlets, and at every office of the Nodal Officer and the appellate authority;

(b) at its website for download by consumers.

12. Composition of appellate authority for redressal of grievances of the consumers.----- An appellate authority shall consist of one or more persons, as may be determined and appointed by a service provider.

13. Intimation of appointment of appellate authority. -------- The service provider, referred to in sub-regulation (1) of regulation 10, shall, within one week from the date of appointment of an appellate authority, intimate to the Authority such appointment:

Provided that the Authority may call for further details about such appointment of the person or persons as the appellate authority and the service provider shall submit such information to the Authority within such time as it may specify in this regard.

14. Remuneration. ------ The remuneration and other expenses of the person or persons appointed as appellate authorities under sub-

regulation (1) of regulation 10 shall be determined and borne by the service provider.

15. Secretariat of an appellate authority.--------(1) The service provider, referred to in sub-regulation (1) of regulation 10, shall appoint or designate one of its officers or employees as Secretary to an appellate authority.

(2) The service provider, referred to in sub-regulation (1), shall provide a secretariat and required supporting staff and office accommodation for the appellate authority to discharge its functions under these regulations.

16. Disposal of appeal by appellate authority. ------- (1) The service provider referred to in sub-regulation (1) of regulation 10, shall require the appellate authority to ensure uniformity in the procedure for deciding appeals and comply with the provisions contained in sub-regulations (2) to (13).

(2) The secretariat of the appellate authority shall,---

(a) register every appeal immediately on receipt of the same and send, within three days of receipt of the appeal, an acknowledgement to the appellant indicating the serial number of the appeal registered;

(b) forward, within six days from the date of receipt of an appeal, a copy of the appeal to the concerned service provider for filing reply.

(3) The service provider, shall, within fifteen days from the date of receipt of the appeal forwarded under clause (b) of sub-regulation (2), file in writing its reply.

(4) In case the service provider referred to in clause (b) of sub-regulation (2), fails to file its reply within the period specified in sub-regulation (3), the appellate authority shall proceed on the basis of the material available on record.

(5) The appellate authority may call for, any information, document or record, from the service provider referred to in clause (b) of sub-regulation (2) or the appellant, which may be relevant and necessary for examination and disposal of the appeal, as the case may be.

(6) The service provider referred, to in clause (b) of sub-regulation (2), and the appellant, shall provide such information, document or record as the appellate authority may call for under sub-regulation (5):

Provided also that in case a party to the case fails to furnish such information, document or record, the appellate authority, on being satisfied that the party in possession of the record is withholding it, it may decide the appeal after appraising the material available on record and decide the appeal to the best of its judgment on merits.

(7) The appellate authority shall, on receipt of the reply under sub - regulation (3) and on the basis of information, document or record under

sub -regulation (6) from the service provider and after conducting such inquiry as the appellate authority may consider necessary, and after affording reasonable opportunity of hearing to the parties, dispose of the appeal by passing an order in writing and stating therein the points for determination, the decision thereon and the reasons for the decision.

(8) 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 of the appeal, without being present in person.

(9) The service provider, referred to in clause (b) of sub-regulation (2), may authorize one or more of its officers or employees to present its case:

Provided that in case the service provider fails to present its case before the appellate authority on the date fixed for hearing, the appellate authority may proceed ex-parte and decide the appeal on merits.

(10) The appellate authority shall decide every appeal within three months from the date of filing the appeal and pass order in accordance with the provisions of sub-regulation (7).

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

(12) The service provider, referred to in clause (b) of sub-regulation (2), shall, within fifteen days from the date of receipt of the order referred to in sub-regulation (11), comply with the order of the appellate authority and report immediately compliance thereof to the appellate authority.

(13) The appellate authority may decide any appeal with the consent between the parties at any stage of the proceedings and such appeal shall be treated as decided with the mutual consent of the parties.

17. Reporting requirements.------ (1) The service provider referred to in sub-regulation (1) of regulation 10 shall ensure that every appellate authority keeps a record of appeals made to it under sub-regulation (1) of regulation 11 and the decisions on such appeals and complies with the provisions contained in sub-regulations (2) to (5).

(2) Every appellate authority shall submit to the Authority, by the 15th October and the 15th April of every financial year or at such shorter intervals, 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 of ; and

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

(3) The report in respect of matters specified in clauses (a) to (c) of sub-regulation (2) shall pertain to the period of the six months preceding immediately the month in which the report is required to be submitted in respect of such matters under sub-regulation (2) to the Authority.

(4) The Authority may, if so required in the interest of the consumers, publish the report submitted to it under sub-regulation (2) and also place the same on its website.

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

18. Status of appeals.---- (1) The service provider referred to in sub-regulation (1) of regulation 10 shall ensure that every appellate authority exhibits at its website, if any, the status and details of appeals pending within the time limit and the details of appeals pending, if any, after the expiry of the time limit specified in sub-regulation (10) of regulation 16.

(2) In case the appellate authority is unable to exhibit the status and details of appeals pending, as referred to in sub-regulation (1) due to non-availability of its website, the concerned service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall arrange to exhibit at its website the status and details of appeals pending if any, within the time limit and the details of appeals pending, if any, after the expiry of the time limit specified in sub-regulation (10) of regulation 16.

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CHAPTER V
COMPLAINTS REFERRED BY AUTHORITY TO SERVICE PROVIDERS FOR REDRESSAL OF CONSUMER GRIEVANCES

19. 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 the service providers, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, for redressal of the complaints,---

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

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

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

(2) The service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall investigate and find out root cause of all such complaints referred by the Authority under sub-regulation (1)

and resolve or redress such complaints within one month from the date of referring of the complaints by the Authority.

(3) The service provider, referred to in sub-regulation (2), shall inform the concerned consumers and the Authority regarding resolution or redressal of the complaint within one month from the date of referring of the complaints under sub-regulation (1).

(4) In case the investigation and root cause of the complaints found out under sub-regulation (2) 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 along with the information required under sub-regulation (3), within two months of referring such complaint under sub regulation (1), such general deficiency or systemic inadequacy revealed and remedial measures taken by such service provider.

CHAPTER VI
MANUAL FOR CONSUMERS' EDUCATION AND PREVENTION OF THEIR GRIEVANCES

20. Manual of Practice for handling consumer complaints.------(1) Every Service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, 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 and name, designation, of the Nodal Officer and e-mail, contact telephone number, facsimile number and address of the Nodal Officer and the appellate authority;

(d) procedure for shifting and transfer of telephone, provision of accessories and customer premises equipment;

(e) information about service availability and coverage for cellular mobile telephone service;

(f) complaint redressal mechanism (including complaint redressal procedure and the time limits for the redressal of grievances by the Call Centre, Nodal Officer and filing and disposal of an appeal by the appellate authority);

(g) an Annexure [relating to the Basic Service (wire line)] to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks (including provisions relating to rebate as

admissible to consumers) 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.10 relating to time taken for refund of deposits after closures;

(h) an Annexure [relating to Basic (Wireless) and Cellular Mobile Telephone Service] to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks (including provisions relating to rebate as admissible to consumers) for Basic Service (Wireless) and Cellular Mobile Telephone Service 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.C (ii) relating to percentage of billing complaints resolved within four weeks;

(B) Benchmark against S.No.C (iii) relating to period of all refunds/ payments due to customers from the date of resolution of complaints;

(i) an Annexure [relating to Broadband Service] to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks (including provisions relating to rebate as admissible to consumers) 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.(v)(b) relating to Broadband connection speed (download):

Provided that the service provider may annex the Annexure referred to in clause (g), (h) and (i), in the Manual, which relate to the services provided by it.

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

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

(l) provisions of these regulations, in particular relating to the rights of the consumers;

(m) the duties and obligations of the service provider under these regulations;

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

(2) The Manual shall be prepared in English language and Hindi language and language of the State in which, Basic Telephone Service, 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 referred to in sub-regulation (1), Call Centre, customer care centre, help desk, the Nodal Officer, the appellate authority, at the sales outlets and at the website of the service provider and also by any other means which the service provider may consider appropriate.

(4) A copy of the Manual or its abridged version (containing salient features such as terms and conditions of service, contact details of Call Centre, the Nodal Officer and the appellate authority, procedure and time limit for redressal of grievances and time limit specified in the Schedule) shall be provided by the service provider or his agent to each consumer at the time of his subscription for service.

(5) A copy of the Manual certified by the service provider as "true copy" thereof shall be filed with the Authority within three months from the date of commencement of these regulations:

Provided further that a service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, who has been granted a licence after the commencement of these regulations, shall file with the authority, within three months of providing services, a copy of manual certified by the service provider "as true copy" thereof.

21. **Providing usage details in respect to Pre-paid mobile connections**. – (1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, shall, on request from any consumer, who has been provided pre-paid mobile connection, supply such consumer, at a reasonable cost, the information relating to 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.

(2) Every service provider, referred to in sub-regulation (1), shall provide the information referred to in sub-regulation (1) for any period falling in

preceding six months immediately preceding the month in which the request has been made by the consumer under the said sub-regulation.

(3*)* For the purposes of sub-regulation (1), the "reasonable cost" means the cost or price not exceeding rupees fifty, or the cost or price payable by the post paid consumers of the same service provider for obtaining the information referred to in sub-regulation (1), or cost or price payable in accordance with the terms and conditions of licence of such service provider, whichever is lowest.

CHAPTER VII
MISCELLANEOUS

22. Consumer grievance Redressal Mechanism by other service provider in certain cases.--------- Every service provider, not falling in clause (a) or clause (b) of sub-regulation (3) of regulation 1, and to which these regulations are not applicable or in respect of which no direction has been issued under the Act for establishment of Consumer Grievance Redressal Mechanism or to which the instructions of the Government of India, Ministry of Communications and Information Technology (Department of Telecommunications) Licensing Cell (Basic Services Group) vide No.16-6/2005-BS-II dated the 22 September 2005 are not applicable for setting up of mechanism of redressal of consumer grievances, shall, establish an appropriate Consumer Grievance Redressal Mechanism for redressal of grievance of its consumers.

23. Inspection and Auditing.----- (1) Every service provider, falling in clause (a) or clause (b) of sub-regulation (*3*) of regulation 1, shall maintain complete and accurate records of redressal of grievances by its Call Centres, Nodal Officers and appellate authorities.

(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 through an independent agency appointed by the Authority to,---

(a) inspect any Call Centre, Office of the Nodal Officer 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.

(3) The person or persons referred to in sub-regulation (2) shall submit to the Authority a report in respect of such inspection or audit, as the case may be.

(4) The Authority, if it considers it expedient so to do, may require the service provider referred to in sub-regulation (1) to get the records maintained under sub-regulation (1) audited through an independent agency as may be specified by the Authority and submit the report in

respect of such audit to the Authority and the cost of such audit shall be borne by the concerned service provider.

24. 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.

25. Right of consumers to seek redressal under the Consumer Protection Act, 1986 or any other law for the time being in force.----- (1) The provisions of these regulations are in addition to any right conferred upon the consumers under the Consumer Protection Act, 1986 (68 of 1986) or any other law for the time being in force.

(2) Any 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 or after filing of complaint or appeal, under these regulations,

exercise his right conferred upon him under the Consumer Protection Act, 1986(68 of 1986) or any other law for the time being in force and seek redressal of his grievance under that Act or law.

26. Reckoning of time limit for the purposes of these regulations.----- The time limit or the period specified under these regulations for making a complaint or request for redressal of grievance or any other request or making of an appeal, shall exclude the day of making such complaint or request for redressal of grievance or any other request or making of an appeal, as the case may be.

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

(a) any proceedings, before any court or tribunal or under the Consumer Protection Act,1986 (68 of 1986) or any other law for the time being in force, 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.

FORM

(See regulation 11 of the of Telecom Consumers Protection and Redressal of Grievances Regulations, 2007}

Appeal under regulation 11 of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 to the appellate authority appointed by----------

(mention name and address of service provider)

1. The Name, Address, Telephone Number, Facsimile number and the e-mail address of the Appellant.	
2. Telephone Number or Cellular Mobile Telephone Number or Broadband Connection Identity, as the case may be, for which appeal is filed	
3. The name of the city /district of the origin of complaint	
4. The name of the State or licensed service area, as the case may be, of the origin of complaint.	
5. Nature of Complaint (specify, whether complaint relates to Provisioning/Activation/Billing/ Fault-Repair/Service disruption /disconnection of service/ Value Added Service / Closure / Termination or specify if any other).	
6. The docket number allotted by the Call Centre at the time of lodging complaint under clause (a) of sub-regulation (1) of regulation 4 and date of lodging the complaint with the Call Centre.	
7. The unique complaint number communicated by the Nodal Officer under clause (c) of regulation 8, and date of lodging the complaint with the Nodal Officer.	
8. Date of decision of the Nodal Officer and decision intimated by the Nodal Officer	

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under clause (d) of regulation 8, if any.	
9. Statement of Facts relating to grievance or appeal: (attach separate sheet signed by Appellant if required)	
10. Grounds of Appeal: 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 (attach separate sheet signed by Appellant if required).	
11. A statement to the effect that same subject matter or issue, for which an appeal has been filed under these regulations, is not covered in any proceedings before any court or tribunal or under the Consumer Protection Act,1986 (68 of 1986) or any other law for the time being in force.	
12. Details of any other relevant material or document.	
13. 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.	

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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

(Name of appellant)……

(Specify status of the appellant, whether a company/firm/society/ individual/ others …….)

Note1. The Form of appeal, grounds of appeal and the Form of verification appended shall be signed by the appellant.

Note2. The appellant shall submit in duplicate the appeal in this Form.

SCHEDULE

(See regulation 5)

Service Parameters and Time Limit for Service Request or Redressal of Complaint of Telecom Consumers by Call Centres

A. Basic Service (Wire line):

Serial Number (1)	**Service Parameter (2)**	**Time Limit for service request or redressal of complaint (3)**
(i)	Provision of Telephone	All cases within seven days (subject to technical feasibility)
(ii)	Fault Repair	Within three days
(iii)	Shift of Telephone	Within three days
(iv)	Closures	Within twenty four hours
(v)	Percentage of Billing Complaints resolved with in four weeks	All billing complaints to be resolved within four weeks.
(vi)	Time taken for refund of deposits after closure	All cases of refund of deposits to be made within sixty days after closure.

B. Basic Service (Wireless) and Cellular Mobile Telephone Service:

Serial	**Service Parameter**	**Time Limit for service request or redressal of complaint**

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Number (1)	(2)	(3)
(i)	Billing Performance (a) Percentage of Billing Complaints resolved with in four weeks (b) Period of all refunds /payments due to customers from the date of resolution of complaints	(a) All billing complaints to be resolved within four weeks. (b) All cases of refunds or payments due to customers to be made within four weeks from the date of resolution of billing complaints.

C. Broadband Service:

Serial Number (1)	Service Parameter (2)	Time Limit for service request or redressal of complaint (3)
(i)	Service Provisioning /Activation Time	All cases within fifteen days (subject to technical feasibility).
(ii)	Fault Repair / Restoration Time	Within three days
(iii)	Billing Performance (a) Percentage of Billing Complaints resolved. (b) Time taken for refund of deposits after closure	(a) All billing complaints to be resolved within four weeks. (b) All cases of refund of deposits to be made within sixty days after closure.

(R.K. Arnold)
Secretary

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Note. -------The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007.

EXPLANATORY MEMORANDUM TO THE TELECOM CONSUMERS PROTECTION AND REDRESSAL OF GRIEVANCES REGULATIONS, 2007 (3 OF 2007)

DATED THE 4TH MAY, 2007

1. BACKGROUND

1.1 Telecom Regulatory Authority of India (TRAI) has been receiving a large number of complaints from telecom consumers relating to the telecom services provided by the service providers. Though the Telecom Regulatory Authority of India Act, 1997 confers powers upon the TRAI to lay down the standards of quality of service to be provided by service providers and to ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect the interest of consumers of telecommunication service, there is no specific provision in the TRAI Act imposing obligation or duty upon the TRAI for redressal of individual complaints and therefore such complaints by a consumer is to be addressed by courts or other appropriate forum under the Consumer Protection Act, 1986. Under the provisions of the TRAI Act, a group of consumers can petition the Telecom Dispute Settlement and Appellate Tribunal (TDSAT) for redressal of any dispute between a service provider and a group of consumers. However, TRAI does take cognizance of complaints of generic nature i.e. complaints affecting a large number of consumers or showing systemic inadequacy or cases indicating alleged violation of orders/ regulations / directions issued by the TRAI.

1.2 The conditions of the licence issued under Section 4 of the Indian Telegraph Act, 1885, *inter alia* requires the licensee to notify in writing all the arrangements with respect to repair, fault rectification, compensation or refunds. The conditions in the licence 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.

1.3 TRAI has laid down the Quality of Service standards for basic, cellular mobile telephone, 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 notified any Regulation detailing the procedure for handling consumer complaints or consumer grievance redressal mechanism.

1.4 The Department of Telecommunications (DoT) vide their direction No.16-6/2005-BS-II dated 22.09.2005 had directed all Access Service Licensees, all Cellular Mobile Telephone Service Licensees, Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited to set up a Consumer Grievance Redressal Mechanism at the (a) Call Centre level and (b) an Appellate Authority within the company.

1.5 TRAI has institutionalized mechanism for registration for consumer organizations with TRAI. TRAI interacts periodically with these consumer organizations or Consumer Advocacy Groups (CAGs) registered with it. Through mutual discussions between these consumer organizations and service providers, a Common Charter of Telecom Service was finalized, under the aegis of TRAI, to be adopted by the service providers on a voluntary basis. Through this Common Charter human interface with responsible company executives called Nodal Officers was envisaged and accordingly the service providers appointed Nodal Officers in licensed service areas.

1.6 Absence of defined framework for functioning of the existing redressal mechanisms is leading to customer dissatisfaction. Also going by the number and nature of complaints being received at TRAI, it is seen that the present institutional mechanism for handling consumer complaints is not effective. The redressal of grievances of individual consumer through courts or forum or commission under the Consumer Protection Act, 1986 is time consuming and at times costly, considering the stakes involved. As a result, the consumers have been filing complaints to various authorities in the Government and TRAI. There is a need for an effective mechanism for a speedy, effective, transparent and inexpensive complaint redressal, within the company i.e. service provider. It is in this background that the Authority issued a consultation paper including draft regulations on the proposed institutional mechanism on 3rd January 2007.

2. INSTITUTIONAL MECHANISM FOR REDRESSAL OF CONSUMER GRIEVANCES PROPOSED IN THE CONSULTATION PAPER

2.1 Before making the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007, the Authority initiated a detailed consultation process, including issue of a Consultation Paper on the subject and making available the draft of said regulations to the public and initiating open house discussions.

2.2 The institutional mechanism for redressal of consumer grievances proposed in the Consultation Paper is summarized below:-

(a) The proposed institutional mechanism focuses on resolution of consumers grievances within the company. It defines institutional mechanism at the level of Call Centre, Nodal Officer and appellate authority. It also outlines the processes and procedures and time limits for redressal of grievances at these levels.

(b) Consumers may contact the Call Centre of service provider on toll free number at the first instance for redressal of their grievances. All the complaints, pertaining to fault/ service disruption, shall be attended within three days and all other complaints shall be attended by the Call Centre within seven days, subject to time limits laid down in Regulations on Quality of Service.

(c) In case the consumer 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 approach the Nodal Officer for redressal of his grievance. All grievances received by the Nodal Officer with respect to fault or service disruption or repair/ restoration of fault shall be got redressed within three days and other grievances shall be redressed by the Nodal Officer within ten days of the registration of the grievance.

(d) In case the consumer 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 and the appellate authority shall decide on the appeal within thirty days.

(e) The service provider shall publish a "Manual of Practice for handling consumer complaints" outlining the various provisions, time limits, benchmarks and procedures for seeking redressal of grievances including information which affects the consumers.

3. VIEWS OF STAKEHOLDERS RECEIVED ON THE ISSUES FOR CONSULTATION AND ANALYSIS THEREOF:

3.1 Comments were sought on the issues raised in the consultation paper by 20.2.2007 and Open House Discussions were held at Delhi on 27.2.07 and at Bangalore on 28.2.07. The Authority received comments from 20 stakeholders viz. service providers – Bharat Sanchar Nigam Limited (BSNL), Mahanagar Telephone Nigam Limited (MTNL), Reliance Communications Ltd., Tata Teleservices Ltd., Videsh Sanchar Nigam Limited and Sify, industry associations Cellular Operators Association of

India (COAI) and Association of Unified Telecom Service Providers of India (AUSPI), Consumer Organisations - National Consumer Helpline (NCH), Consumer Online Resource & Empowerment Centre (CORE Centre), Voluntary Organization in Interest of Consumer Education(VOICE), Consumer Rights, Education and Awareness Trust (CREAT), Palakkad District Consumers' Association, Mumbai Telephone Users Association, Consumers' Forum Sagar, Telecom Users Group (TUG), Consumer Care Society and a few individuals and telecom consultants etc.

3.2 The Authority has considered the responses received from stakeholders while finalizing these regulations. The comments by stakeholders are discussed briefly hereafter. For the sake of clarity, the comments of the stakeholders are given in the *italic font* followed by the analysis and consideration of the authority.

3.3 ISSUE NO.1 - WHETHER THE INSTITUTIONAL MECHANISM TO HANDLE CONSUMER GRIEVANCES SATISFY THE REQUIREMENTS OF CONSUMERS FOR SPEEDY, EFFECTIVE AND INEXPENSIVE REDRESSAL OF COMPLAINTS?

3.3.1 The comments of the stakeholders are summarized in para (a) to (f) and analysed in the paragraphs following thereafter.

(a) The proposed mechanism will help in improving the handling of customer complaints.
(b) Presently, main complaint of consumer is "Where should he go? The Call Centres and IVRS [inter active voice response system] are ineffective and lack human face. The mechanism is an improvement towards complaint redressal.
(c) Proposed duration of disposal of appeal does not inspire speedy disposal.
(d) Existing mechanisms already implemented by service providers are adequate. There does not seem to be any need for any regulatory intervention.
(e) COAI supports the initiative of the Authority to evolve a mechanism for handling consumer grievances in a speedy and effective manner and to make the existing mechanism more transparent, accessible and effective. These efforts should be implemented in a self regulated manner and should not be regulated through a regulation. COAI is already in an advanced stage for implementing the scheme for setting up / establishing a Telecom Sector Ombudsman (TSO) which was initiated at the behest of the Authority some months ago.
(f) The provisions at para 2, page 24 of Consultation Paper (provisions relating to time limit for compliance in case of complaints relating to non-

compliance with QoS Regulations) appear to be unrealistic as its effectiveness is debatable.

Need for strengthening institutional mechanism:

3.3.2 The complaints being received at TRAI and feedback from Consumer Advocacy Groups, belies the claim that the existing mechanism which has already been implemented by service providers is adequate for speedy, effective and inexpensive redressal of customer complaints. During the Open House Discussions held at Delhi on 27.02.07, some of the Consumer Advocacy Groups had pointed out that more than half the licence period is over and so far the service providers have not taken any steps to address the grievances of consumers in an effective way. The Authority is of the view that there is a need to revamp the existing institutional mechanism to make it responsive, sensitive and answerable to the consumer. The need is to strengthen and specify the process for institutional mechanism, procedure and time limit for handling complaints at Call Centres, Nodal Officer level and the appellate authority. Also there is a need for consumer education and prevention of grievances through provisioning of information by Manual of Practice to consumers. The present regulation has been finalized keeping the inadequacies in view.

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Telecom Sector Ombudsman:

3.3.3 Regarding "the initiative of industry associations for implementing the scheme for setting up / establishing a Telecom Sector Ombudsman (TSO)", the Authority welcomes any such step by the industry for effective and inexpensive redressal of grievances of consumers. But this step will not replace the mechanism specified in these regulations for redressal of grievances of telecom consumers as the mechanism functions within the company.

3.4 ISSUE NO. 2 - PROCEDURE AND TIME LIMIT FOR THE CALL CENTRE:

3.4.1 The comments of the stakeholders on the procedure and time limit for the Call Centre are summarized in para (a) to (l) and analysed in the paragraphs following thereafter.

(a) It is acceptable provided monitoring the performance of Call Centres is effective and transparent.
(b) Please add: If the consumer is not satisfied, the Call Centre must provide the contact details of Nodal Officer to the complainant and inform him that he has a right to approach to the Nodal Officer as per TRAI guidelines.

(c) The procedure and time limit for the Call Centre specified in the consultation paper is adequate.

(d) Call Centre should be able to give the maximum detailed information to the callers/ the consumers established "under regulation 3 by the service providers for redressal of Grievances of its consumers on telephone or other electronics means."

(e) Docket no. or action taken can be retrieved/ produced by complainant any time in the future.

(f) We would like to address this issue in the Manual of Practice that is proposed to be drafted on behalf of the entire industry, which would also be approved by the Authority.

(g) Regarding time limit of 3 days and 7 days it is submitted that cases where no parameter/ benchmark is specified in any regulation, the SLA for complaint redressal would vary and depend on the nature of the complaint. In case it is still considered necessary then, benchmarks should be specified in terms of percentages similar to those given in the TRAI's QOS Regulations.

(h) The issue of centralized or decentralized Call Centre should be left to the service providers. Location within or outside the Licensed Service Area (LSA), should not matter.

(i) No time limit should be specified where no QOS parameters have been laid down. Instead, SLAs can be recommended by TRAI on percentage basis as provided in the QoS regulations.

(j) The Call Centre for the Broadband services should be mandated to operate through other electronic means such as e-mail with all other parameters regarding grievance handling as it will not be a practical proposition for internet service providers because of higher overheads/costs.

(k) The Call Centre should have web based tracking system, should have a schedule of financial compensation for non-compliance of QOS parameter, should have features of ISO 10001, ISO 10002, ISO 10003 and IS 15700 and provide for an independent periodic audit of the system by independent certified auditor.

(l) While our customer care centre puts in its best efforts to resolve the complaint of the customer instantly, there is no necessity to specify a defined time limit (i.e. 3 days) as suggested in the consultation paper.

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Time limits for redressal of grievances by Call Centre:

3.4.2 The objective of the proposed regulation is to aim for redressal of the grievance in a time bound manner with the facility of escalation of complaints to the next level, if not satisfied with the redressal within the time limits specified thereto. Also it is difficult to link the QoS parameter with individual consumer perspective in case the benchmark is indicated in percentage terms. Accordingly provisions have been made in these regulations and time limits have been specified in the Schedule for Call Centre. The time limits that have been specified in these regulations are

without prejudice to the benchmarks specified in the "Quality of Service Regulations" for specific services. In respect of item relating to Closures in the Schedule annexed with these regulations, the time limit of 24 hours shall be applicable in respect of closure request received by the service provider in writing. In respect of closure or termination requests received through fax, e-mail ID registered with the service provider, telephone call, SMS and e-mail the time limit and other conditions for closure or termination of service shall be as per Authority's Direction on "Docket Number for Customer Complaints and Termination of Service" dated 29th August, 2006. The Authority has mandated that information relating to right of consumer for termination or disconnection of the service, in accordance with the above direction of the Authority, shall be incorporated in the Manual of Practice.

3.4.3 As regards the issue raised by one of the stakeholders that in cases where no parameter/ benchmark is specified in any regulation, the SLA for complaint redressal would vary and depend on the nature of the complaint, the Authority is of the view that there should be firm time limit for redressal of consumer grievances as time limit is the essence of any grievance redressal mechanism. Leaving the time limit to the service providers may not lead to effective and timely redressal of complaints. The Authority has given due importance to fault repair, disruption of service or disconnection of service and the authority has considered to specify a maximum of three days for redressal in such cases as appropriate. However for other complaints or requests for which no parameter or no time limit is specified in any regulation, for such cases seven days time limit is considered appropriate by the Authority to redress the complaint or request by Call Centres. Regarding the service parameters such as provisioning of telephone or provisioning/activation of broadband connection where it is not possible to address the request or redress the complaint due to technical non-feasibility within the time limits specified in these regulations, Call Centres shall intimate the reasons for non- redressal and the likely time frame by which the request will be addressed.

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<u>Web based tracking system for grievance redressal:</u>

3.4.4 For the suggestion of web based tracking system for the Call Centre the authority is of the view that at the Call Centre level the number of complaints would be large and that the Call Centres may be operational at different locations/areas for some of the service providers, especially in basic service. Also a large number of customers may not have Internet access. Hence, the authority has decided not to mandate web based tracking system for the Call Centre. However, Service providers may voluntarily adopt such a system for enabling their customers to track the complaints made to the Call Centres and Nodal officers. The Authority is of the view that such a facility should be there

for the appellate authority to indicate, at its website or website of the service provider, the status and details of appeals pending for disposal. Accordingly, suitable provisions have been made in these regulations to indicate the status of appeals at the website.

ISO standards for grievance redressal mechanism:

3.4.5 Regarding the suggestion that the "complaint redressal mechanism should have basic features of ISO 10001, ISO 10002, ISO 10003 and IS 15700", the Authority has viewed the Bureau of Indian Standards (BIS) 'IS 15700: 2005' standard for quality management system – requirement for service quality by public service organisations and also this matter was dealt in the consultation paper by mentioning its salient features. These regulations have been framed considering some of the important provisions of the said BIS standard. The Authority is not in favour of mandating the ISO or BIS standards and expects that the service providers may voluntarily adopt ISO or BIS standards.

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Centralised Call Centres:

3.4.6 Referring to the suggestion that the "issue of centralized or decentralized Call Centre should be left to the service providers to decide, based on economy in operations and that location within or outside the Licensed Service Area (LSA) should not matter", the Authority is aware that presently some of the service providers have centralized Call Centre covering many licensed service areas. The Authority acknowledges the fact that technology enables service providers to have centralized Call Centre catering to many licensed service areas. Therefore, the Authority has decided that for different services in a licensed service area or for two or more licensed service areas, service provider may set-up, at its option, one or more call centre, being common or separate for such services or service areas.

Mode of communication with the Call Centre:

3.4.7 Regarding the suggestion that "the Call Centre for the Broadband services should be mandated to operate through other electronic means such as e-mail with all other parameters regarding grievance handling as it will not be a practical proposition for internet service providers because of higher overheads/costs", the Authority examined the suggestion and noted that in case Internet access or broadband connectivity is faulty then consumers will not be able to contact Call Centre of Broadband Service provider if there is no access to toll free telephone at its Call Centre. Therefore, the Authority is not in favour of the Call Centre of ISPs to operate only through other electronic means such as e-mail and

such service providers also have to establish Call Centres as per the provisions in these regulations.

Information about where to escalate the grievance:

3.4.8 On the issue that the Call Centre must provide the contact details of Nodal Officer to the complainant, the Authority is of the view that provision for communication of the contact details of the Nodal Officer, while communicating the action taken on the complaint by the Call Centre, would enable consumers to escalate the complaint, in case they are not satisfied with the redressal of the complaint by the Call Centre.

Monitoring the performance of Call Centres:

3.4.9 On the issue of monitoring the performance of Call Centres, already there is a parameter "Response time to the customer for assistance" in the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 and Quality of Service for Broadband Service Regulations, 2006 for assessing the efficiency of Call Centres in responding to the request made to the Call Centre. The performance of service providers against the benchmarks for this parameter is monitored on a quarterly basis. Also the performance of service providers against the benchmark for this parameter is assessed through live test done by independent agency appointed by the Authority. These regulations also provide for inspection/ audit of the redressal of grievances of consumers by Call Centre, Nodal Officer and appellate authority. Issues relating to inspection and audit are discussed under Issue No.8.

3.5 ISSUE NO. 3 - APPOINTMENT, OBLIGATIONS AND GEOGRAPHICAL AREA OF NODAL OFFICER:

3.5.1 The comments of the stakeholders on appointment, obligations and geographical area of Nodal Officer are summarized in para (a) to (h) and analysed in the paragraphs following thereafter.

(a) Nodal officer must be so located that a subscriber can visit / access him easily; to be located in a town or tehsil or the local point; and should provide "Complaint Number & time frame for redressal" instantly.
(b) Appointment of Nodal Officers with defined Geographical Area. His name, Telephone Number/ Mobile Number/ E-Mail details may please be got printed on the face of the bills issued by the Service Providers.
(c) We suggest that the Nodal Officers are appointed in each of the Districts where the service provider is operating.
(d) The coverage area for each Nodal Officer must be a 2 kilometer radius at the maximum. The number of nodal officers may be also

considered in proportion to the total connections in any service area of that service provider.

(e) The Nodal Officer should be SSA level as well as at Circle level. The time limit for acknowledgement of complaint by Nodal Officer and its redressal may modified as per the directive of Ministry of Personnel, Public Grievances and Pension dated 5.5.2006 which provides for acknowledgement within 3 days and redressal of grievance within 2 months of its receipt.

(f) The proposal with regard to appointment and obligations of the Nodal Officers as has been agreed voluntarily in the Common charter of telecom services, is already in place and functional. It is not necessary to define the geographical area of Nodal officer. Service providers should be allowed to appoint nodal officers in areas in such a manner that they are easily accessible to consumers for their grievances.

(g) We suggest that the number of Nodal officers should be dependent on the quantum of complaints. The complaint handling procedure proposed to be mandated is essentially hierarchical in nature.

(h) COAI would like to address the issues regarding appointment, obligations, geographical area and scope of responsibility of the Nodal Officer(s), through Manual of Practice that is proposed to be drafted in coordination with other industry associations.

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Location and coverage of the Nodal Officer:

3.5.2 Presently the Nodal Officer is designated by service provider for the circle or licensed service area as a whole as per the Common Charter. According to the feedback given by the consumers and consumer organizations, the system of Nodal Officer is not functioning properly. The intention for providing a Nodal Officer in the Common Charter was to enable human interface. Each service provider is expected to provide speedy and effective grievance redressal mechanism for its consumers and with this objective the service provider may have to decide, from time to time, the appropriate locations and coverage for the Nodal Officer. The Authority would not like to prescribe any yardstick for the geographical location and coverage of the Nodal Officer. However, the Authority has mandated in these regulations that every service provider shall appoint or designate Nodal Officers who are easily accessible and available for redressal of grievances of the consumers.

Accessibility of Nodal Officer:

3.5.3 While examining the issue of accessibility of Nodal Officer, it is felt that provisions should be there for consumers directly approaching the Nodal Officer rather than going through a Call Centre in emergent situations. The Authority has considered this issue and suitable provision has been made in these regulations.

3.5.4 Regarding the suggestion that the name, Telephone Number/ Mobile Number/ E-Mail details of the Nodal Officer may be got printed on the bills issued by the Service Providers, the Authority has considered this suggestion and suitable provisions have been made in these regulations for publishing the contact details of the Call Centre, Nodal Officer and appellate authority in the bills, if any, issued to its consumers by service providers.

Time limit for redressal of grievances by the Nodal Officer:

3.5.5 Regarding the suggestion that the "time limit for acknowledgement of complaint by Nodal Officer and its redressal may be modified as per the directive of Ministry of Personnel, Public Grievances and Pension dated 5.5.2006 which provides for acknowledgement within 3 days and redressal of grievance within 2 months of its receipt", the Authority is of the view that the direction of Ministry of Personnel is applicable for Government Departments for redressal of grievances. This cannot be linked to complaints/ grievances of telecom consumers who need speedy redressal. Further in these regulations the concept of Call Centres, Nodal Officers and appellate authority exists with time limits for each level for redressal of grievances.

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3.6 ISSUE NO. 4 - APPOINTMENT OF AN APPELLATE AUTHORITY AND THE PROCEDURE FOR DISPOSAL OF APPEALS:

3.6.1 The comments of the stakeholders on appointment of appellate authority and the procedures for disposal of appeals are summarized in para (a) to (j) and analysed in the paragraphs following thereafter.

(a) Appellate authority is needed but be designated as Senior Complaint Redressal Officer. Total time for appeal disposal is very large.
(b) Designation need be changed to a more polite and friendly word.
(c) The procedure for appointment of Appellate Authority by the service provider and the procedure for disposal of appeals are adequate, but reservations about its composition.
(d) Appellate authority is essential. But it should not be appointed by the service providers. The Appellate authority should be at State level.
(e) Each service provider has provided for an appellate officer. It is better to address the designation, obligations, geographical area and scope of responsibility of the Presiding (Appellate) Officer(s), in the Manual of Practice. The office of Telecom Sector Ombudsman (TSO) as finalized by COAI will be implemented at an early date.
(f) The appellate authority should be appointed from within the service providers' organization only. The tenure of the appellate authority and formal procedure for setting up of secretariat for appellate authority should be left to service providers.

(g) It is recommended to have service provider neutral common Appellate Authority in place of each service provider establishing its own Appellate Authority. The existing Telecom Monitoring Cells of DOT could be assigned the responsibility to act as Appellate Authority for the whole of telecom sector. Also as per the DoT letter no. 10-8/2006/VTMHQ/gen/3 dated 27-10-2006 one of the responsibility of the VTM cell is "Grievance Redressal of subscribers in respect of deficiency by various operators".

(h) The appellate authority can be centrally located at the HQ of the Internet service provider.

(i) TRAI should be the Apex forum to decide matters not settled by the appellate authority.

(j) TRAI be the final authority for all such appeals from the consumers who wish to appeal against the decision of the Appellate Authority.

Designation of the appellate authority:

3.6.2 There have been suggestions regarding re-designation of the Appellate Authority. Through the proposed regulation it is intended to define the structural framework of the existing mechanism, of which "appellate authority" is mandated by DOT. As such, the Authority does not agree with the suggestions to redesignate "appellate authority".

Appointment of an appellate authority:

3.6.3 Regarding the appointment of the appellate authority, most of the consumer organisations agree that appellate authority is essential, but should not be appointed by the service providers. The Authority has considered this suggestion and is of the view that the objective of the proposed regulation is to structurally define the framework of the consumer grievance redressal mechanism and as per the directions of DOT the appellate authority should be from the company. The Authority favours the key role of service provider in this regard. For the same reason, the functions of appellate authority cannot be taken over by the VTM Cell of DOT, as suggested by one of the stakeholder. It is also not possible to have a common neutral appellate authority for all service providers in a licensed service area.

3.6.4 Some reservations were expressed about its composition. The Authority evaluated the suggestion but is of the view that an appellate authority shall consist of one or more persons to be determined and appointed by the service provider. The issue of composition of the Authority has been discussed in detail under Issue No.9 also.

3.6.5 For the suggestion that for an all India level ISP, an appellate authority at the HQ of the Internet Service Provider (ISP) would suffice, the Authority is of the view that the service area of an all India ISP licensee is the whole country and, therefore, for the purpose of disposal

of appeals of its consumers the ISP, who has an all India licence, may appoint one or more appellate authority for the whole of India.

3.6.6 To maintain the transparency and independence of the appellate authority and to provide for an effective consumer grievance redressal mechanism, the Authority expects that the service providers shall appoint the person or persons as an appellate authority with such qualification and experience from amongst the persons of ability and integrity who have special knowledge and professional experience in telecommunications.

3.6.7 Regarding the suggestion that "TRAI should be the Apex forum to decide matters not settled by the Appellate Authority", this suggestion cannot be agreed to as the TRAI Act does not envisage such a role for TRAI.

3.7 ISSUE NO. 5 - PUBLICATION OF MANUAL OF PRACTICE FOR HANDLING CONSUMER COMPLAINTS AND CONTENTS THEREOF:

3.7.1 The comments of the stakeholders on Manual of Practice for Handling Consumer Complaints and Contents thereof are summarized in para (a) to (g) and analysed in the paragraphs following thereafter.

(a) *The title may be changed as 'Your Rights and Responsibilities as a Telecom Customer'.*
(b) A common industry Manual of Practice in close coordination with other industry associations may be attempted.
(c) The proposal of publishing a hard printed copy "Manual of Practice for Handling Consumer Complaints" should not be made mandatory instead it may be made mandatory to publish on the website of the concerned service provider.
(d) Publishing of manual through the web only instead of making it available at the offices of service provider, call centre, help desk, nodal officer etc (clause 21).
(e) Publishing of manual indicating the procedure of complaints handling can be considered.
(f) We suggest this manual should be in English/Hindi for Internet service providers.
(g) The manual of practice for handling consumer complaints should be simple and easily understood by common consumers. It should not contain technical and legal terms as consumer is generally not familiar with such terms.

Title of the Manual of Practice:

3.7.2 The Manual of Practice is basically an obligation of the service providers to educate the consumers about the terms and conditions of service, practices and procedures followed for redressal of grievances, subscriber-centric parameters in the Quality of Service Regulations etc, therefore, the title need not be changed

Publication of the Manual of Practice:

3.7.3 It is noted that the stakeholders, in general, have agreed to have a Manual of Practice. The Authority is of the view that the "Manual of Practice" needs to be made and published by service providers as per the provisions of these regulations.

3.7.4 Regarding the suggestion that publication of the "Manual of Practice" only at the web site of the service providers, the Authority is of the view that publishing the Manual only at the web site will not meet the purpose of facilitating provision of information and education of consumers because of low Personal Computers (PC) and Internet penetration. Presently the mobile phones are being used by common man and they need the "Manual of Practice" for reference as and when required, particularly for redressal of grievances.

3.7.5 It has been suggested that the Manual of practice for handling consumer complaints should be simple and easily understood by common consumers and it should not contain technical and legal terms as consumer is generally not familiar with such terms. The intention for the proposal to have a Manual of Practice is for the education and information of the consumers. As such, the Authority accepts the above suggestion and expects that the service providers while preparing and publishing the Manual of Practice, as per the provisions of these regulations, will see that the content of the Manual of Practice is provided in simple language so that it is easily understood by consumers. Also the font used should be legible for the consumers to read without any difficulty. Apart from the mandatory items to be covered under the Manual of Practice, the service providers may incorporate any additional information, in particular which affects the consumers, at their discretion.

3.8 ISSUE NO. 6 - VIEWS ON DRAFT REGULATIONS ON THE INSTITUTIONAL MECHANISM TO HANDLE CONSUMER GRIEVANCES AND THE MANUAL OF PRACTICE FOR HANDLING CONSUMER GRIEVANCES:

3.8.1 The comments of the stakeholders on the draft regulations on the Institutional Mechanism to Handle Consumer Grievances and the

Manual of Practice for Handling Consumer Grievances are summarized in para (a) to (i) and analysed in the paragraphs following thereafter.

(a) The mechanism appears to be a great facilitator in Redressal of Grievances in Speedy, effective and inexpensive manner. However, its implementation will depend on enforcement. Need of Ombudsman may not be ignored / lost sight of and issue be revived with Government.
(b) The draft regulation on the institutional mechanism to handle consumer grievances is adequate.
(c) Draft regulation and manual of practice are apt and appropriate and best suits the need of consumers.
(d) The Consultation Paper is very timely and certainly expected to facilitate resolution of complaints of consumers provided, of course, the service providers implement same in both the letter and spirit.
(e) The Authority should refrain from issuing a Regulation on this subject, but rather address this issue through light touch regulatory manner, encouraging a voluntary and self regulatory approach by the industry. The Authority may exercise an overall supervision of the industry by approving the Manual of Practice and assessing the implementation and performance of the TSO scheme.
(f) COAI supports the proposal of the Authority that each service provider will publish a Manual of Practice. COAI in close coordination with other industry associations will undertake to draft a common industry Manual of Practice.
(g) The present mechanism to handle consumer grievances is adequate and we believe that any such regulation from TRAI would complicate the issue or delay the redressal process.
(h) Due to existence of various options, there is no need for any regulation to be mandated by the Authority on consumer redressal.
(i) Draft Regulation is going to benefit the telephone subscribers and is required. It will facilitate speedy, inexpensive and effective redressal of complaints.

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Need for Regulation:

3.8.2 During the Open House Discussions at Delhi and Bangalore, the service providers and their associations were of the view that there is no need of a regulation and instead the industry will address the issue through a Manual of Practice; however the consumer organizations had strongly opposed this and expressed that a regulation is necessary. The main objection of the consumer organisations was that the service providers have not yet done anything effective for the redressal of grievances of its consumers. The Authority has considered all the suggestions and it has come to a conclusion that any measure taken by the industry will not have any legal or regulatory backup. With no legal or regulatory obligations there may be lack of commitment on the part of

service providers to address the grievances of consumers expeditiously, effectively and in a time bound manner. The Authority, decided to specify the institutional framework including process and time limits for the grievance redressal mechanism as the existing institutional mechanism is not effective enough. Also no alternate dispute resolution mechanism independent of the service provider exists for the telecom sector at present and recourse to consumer courts or TDSAT is time consuming, expensive and the efforts not commensurate with the stakes involved. The Authority has, therefore, decided to address these issues in these regulations rather than leaving it totally for self regulation by industry/ service providers. However, the Authority has provided for self regulation by the service providers, within the overall framework of these regulations. The Authority also appreciates the suggestion of the industry association for undertaking to draft a common industry Manual of Practice, but the Manual of Practice should contain all the items provided under these regulations.

Indian Code

3.9 ISSUE NO. 7 - WHETHER ALL THE SERVICE PROVIDERS SHOULD BE MANDATED TO ESTABLISH THE INSTITUTIONAL MECHANISM FOR HANDLING CONSUMER GRIEVANCES AND PUBLISH THE MANUAL OF PRACTICE AND WHO SHOULD BE EXEMPTED FROM THE REGULATIONS?

3.9.1 The comments of the stakeholders as to whether all the service providers should be mandated to establish the Institutional Mechanism for Handling Consumer Grievances and publish the Manual of Practice and who should be exempted from the regulations are summarized in para (a) to (e) and analysed in the paragraphs following thereafter.

(a) No exemption should be allowed.
(b) There is a need to establish institutional mechanisms to redress consumers' grievances.
(c) It should not be mandatory to establish separate institutional mechanism for handling consumer grievance in case a service provider is providing more than one service.
(d) All access service providers should be required to publish the Manual of Practice for handling consumer complaints.
(e) It should be applicable for all service providers irrespective of turnover. The manual of practice for handling of consumer complaints may be done in one language only (preferably in English).

Criteria for exemption from Regulation:

3.9.2 The Department of Telecommunications' Direction No.16-6/2005-BS-II dated 22nd September, 2005 is applicable to all access service licensees, including BSNL and MTNL. These regulations mandate them

to establish Consumer Grievance Redressal Mechanism at (a) the Call Centre level; (b) at the Nodal Officer level; and (c) an appellate authority within the company. In the wake of a large number of complaints received from consumers of Broadband service and the importance of Broadband connectivity for the consumers, the Authority had proposed, in its Consultation Paper, to extend the proposed institutional mechanism for redressal of consumer grievances to all service providers providing Broadband Service. However, in the case of ISPs providing Broadband Service, it was proposed to cover only those ISPs whose turnover in any preceding financial year is more than Rs.25 crores, as many of the ISPs providing Broadband Service have very low subscriber base. During public consultation the general view was to include all service providers under these regulations irrespective of turnover. However, the Authority is of the view that considering the low subscriber base of many of the ISPs providing Broadband Service, all of them need not be covered under these regulations. However, keeping in view the comments of stakeholders, the Authority decided to revise the criteria of exemption from turnover in any preceding financial year of more than Rs.25 crores to Rs.5 crores or whose total number of broadband subscribers in any preceding year exceeds 10,000 broadband subscribers. The Authority also provided a provision in these regulations for those service providers, who are not covered by these regulations, so that they may set up appropriate consumer grievances redressal mechanism for their consumers.

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3.10 ISSUE NO. 8 - PROCEDURE OUTLINED IN THE DRAFT REGULATIONS FOR MAKING COMPLAINTS:

3.10.1 The comments of the stakeholders on the procedure outlined in the draft regulations for making complaints are summarized in para (a) to (g) and analysed in the paragraphs following thereafter.

(a) Call centre must provide the contact details of Nodal Officer, appellate authority and complaint number.
(b) The procedure outlined for making complaints is adequate.
(c) While the procedure is all right TRAI must make sure that service providers adhere to these on an ongoing basis and it is not a one time effort. This could be surprise checks and audits carried out by TRAI or their accredited CAGs must be so authorized.
(d) Procedure outlined for making complaints by the consumers given in the Draft Regulation appears to be OK, subject to our comments mentioned hereunder against various issues raised in the consultation paper.

(e) (i) Time limit for redressal of complaints by call centre relating to non-compliance with QOS regulations shall be 7 working days instead of 3 days, complaints relating to fault or disruption of service shall be addressed within 10 working days instead of 3 days and for other complaints within 10 working days, subject to technical feasibility, instead of 7 days (1st, 2nd and 3rd proviso of clause 5).

(ii) Acknowledgement by Nodal Officer within 3 days instead of 2 days (clause 8(d)). Time limit for redressal of grievances by Nodal Officer 2 months instead of 10 days (clause 9).

(iii) The information regarding coverage for cellular mobile service may have competitive repercussions in favour or against some of the service providers and hence may not be insisted upon for publication (clause 21(f)).

(f) We broadly agree with the procedure outlined in the consultation paper for making complaints. However, a regulation should not be prescribed by the Authority.

(g) It should be mandated to have PIN Code Based Guide on each operators Website, so consumer can check that the Operator have the Service to that PIN Code Before taking any Mobile Connection. This Method is widely used in USA.

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Inspection and audit of institutional mechanism:

3.10.2 Regarding the suggestion for independent audit, presently, the Authority has provided in the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Service, 2005 and Quality of Service of Broadband Services Regulation, 2006 a parameter on "Response time to the customer for assistance" for reporting of the efficiency of the Call Centre. The Authority also undertakes objective assessment of Quality of Service Parameters for various services provided by the service providers through an independent agency. The efficiency of Call Centres in attending to the calls of consumers is also assessed by the agency through live tests. The Authority has also provided under the Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulation, 2006 for audit of the billing system through the auditor appointed by the service provider from the panel of auditors notified by TRAI to certify the metering and billing system of service providers. However, this independent assessment of efficiency of Call Centres and audit of the metering and billing system do not cover the disposal of complaints by Call Centres. Therefore, the Authority has made suitable provisions in these regulations for inspection and audit by any of its officers, employees, person or persons appointed by it. The provision has also been made to direct the service provider to get the audit through an independent agency as may be specified by the Authority.

Information about cellular mobile coverage and service availability:

3.10.3 The suggestion that the information regarding coverage for cellular mobile service may have competitive repercussions in favour or against some of the service providers and hence may not be insisted upon for publication, the intention for making this provision in these regulations is to facilitate information about mobile coverage to a prospective consumer. Such a provision is very vital for a consumer to understand whether mobile coverage and availability of service is there in places where he ordinarily plans to use the service. Such information will facilitate reduction of incidences of complaints and also their prevention. Also none of the stakeholders, except one service provider, has raised any objection to the inclusion of such a provision in these regulations. Therefore, the Authority has mandated the provision of information in the 'Manual of Practice' relating to service availability and coverage of cellular mobile service.

3.10.4 The Authority had received a suggestion that pin code based information about service availability and mobile coverage should be mandated. In rural areas people may not know about their pin code. The Authority is of the view that it should be left to the service providers whether to give the name of the area or name of the area followed by pin code of the place/area where service is available.

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Providing docket number and contact details of Nodal Officer and appellate authority by Call Centres:

3.10.5 On the suggestion that the Call Centre must provide the contact details of Nodal Officer, Appellate Authority and instant complaint number to the complainant, the Authority has considered these suggestions and the Authority has decided to make provisions in the regulations for the Call centre to provide contact details of the Nodal Officer while communicating the decisions taken on the complaint, if the consumer is not satisfied with the redressal of his grievance by the Call Centre or when requested by him. Provisions have also been made in these regulations for the Call Centre to communicate at the time of lodging the complaint the unique identification number to be called the docket number.

Acknowledgement of Complaints and Appeals:

3.10.6 The authority also considered the suggestion for acknowledgement by the Nodal Officer within 3 days, instead of 2 days proposed in the Consultation Paper, and has decided that the Nodal Officer shall communicate to the complainant the unique complaint number within 3 days of making the complaint. The Authority also decided that the appellate authority has to acknowledge after the registration of the appeal within 3 days of receipt of appeal, instead of 5

days proposed in the Consultation Paper, along with the serial number of the appeal registered.

Time limit for redressal of complaints relating to faults or disruption of service or disconnection of service:

3.10.7 The need for prescribing time limit for Call Centres is addressed at para 3.4.2 referred to above. The Authority has considered the suggestion of stakeholders regarding increasing the time limit for redressing complaints relating to faults or disruption of service or disconnection of service and is of the view that these types of complaints need urgent redressal and hence a time limit of 3 days has been specified in these regulations.

Time limit for redressal of complaints by Nodal Officer:

3.10.8 Regarding the suggestion of stakeholders for extending the time limit for redressal of complaint by the Nodal Officer to 2 months from 10 days proposed in the Consultation Paper, the Authority has considered this suggestion and is of the view that the maximum complaints should be satisfactorily addressed at the Call Centre level and only exceptional cases of complaints need attention of Nodal Officer. The Authority expects that the service provider will make appropriate systems and processes to effectively and speedily deal with the consumer complaints at the Call Centre level. Provision of two months to the Nodal Officer for redressal of complaints is too long a period, considering the expectation of consumers for speedy redressal of grievances. Therefore, the Authority has mandated that the Nodal Officer shall redress the complaints relating to fault or disruption of service or disconnection of service within 3 days and all other cases within 10 days of receipt of complaints.

3.11 ISSUE NO. 9 - WHETHER THE COMPOSITION OF APPELLATE AUTHORITY WITHIN THE COMPANY IS APPROPRIATE FOR (I) SPEEDY AND INEXPENSIVE ALTERNATIVE DISPUTE RESOLUTION MECHANISM AND (II) MAINTAINING TRANSPARENCY AND INDEPENDENCE?

3.11.1 The comments of the stakeholders as to whether the composition of appellate authority within the company is appropriate for (i) speedy and inexpensive dispute resolution mechanism and (ii) maintaining transparency and independence are summarized in para (a) to (h) and analysed in the paragraphs following thereafter.

(a) The proposed composition of Appellate Authority is not properly made out. The Appellate Authority should consist of three members i.e.

chairperson, representative of Service provider and representative of CAG registered with TRAI.

(b) TRAI must select and give a panel of retired judges out of which service provider can choose an appellate authority. An appellate authority each at district level should be established. Violation of TRAI regulations, orders and directives should be made an offense and a penal provision should be provided to punish the service provider and compensate the consumer. Customer service guarantee section in UK Code of Practice (CoP) is ideal. Licensee must have a website for CoP and it must be published in all its advertisement.

(c) The entire spirit and purpose of appointing an Appellate Authority by the Service Provider is totally unacceptable. The appointment and superintendence of the appellate authority should rest with TRAI. There should be a three Member Appellate Authority and a Secretary with a Secretariat. Of the three Member appellate authority, one Member is also the Chairman and Presiding Officer and the other two are Members. The service providers' body nominates one Member, TRAI one from among the CAGs and also TRAI nominates one as Member cum Chairman from among a panel of three suggested by the District Forums in the City where the service providers are situated on a request by TRAI. To avoid having too many appellate tribunals the TRAI can constitute only one single Tribunal per each location which will hear all Appeals from all customers. Expenses to be borne by service provider's body.

(d) Appellate authority should include representative from COAI, AUSPI, Broadband Service Providers, Cable TV Service providers and CAG member registered with TRAI.

(e) Appellate authority within the company already exists. We would like to address the designation, obligations, geographical area and scope of responsibility of the Presiding (Appellate) Officer (s), in the Manual of Practice. Industry finalized Ombudsman will be implemented.

(f) We do not agree with the proposed composition of the appellate authority. The appellate authority should be appointed from within the service providers' organization only. The proposal should also be evaluated against industry's voluntary proposal for setting up an independent office of ombudsman.

(g) It is recommended to have service provider neutral common appellate authority in place of each service provider establishing its own appellate authority. The existing Telecom Monitoring Cells of DOT could be assigned the responsibility to act as appellate Authority for the whole of telecom sector.

(h) We feel that the service providers should be allowed to decide the composition, tenure and other aspects related to formation and functioning of appellate authority.

<u>Composition of the appellate authority:</u>

3.11.2 Regarding composition of the appellate authority, the Authority has received different views from stakeholders. In the consultation paper the proposal was to have a single person appellate authority, who will act as the presiding officer. The general view of the consumer organisations is for multi-member appellate authority. The DOT direction is there to have an appellate authority within the company. Considering the views of stakeholders, the Authority is of the opinion that unless the intention is to have appellate authority appointed by different agencies there may not be much advantage about having multiple member appellate authority. Since the direction of DOT is to have appellate authority within the company, it would be appropriate to prescribe the composition of appellate authority as one or more persons to be determined and appointed by the service provider. However, for assisting in receipt, acknowledgement of appeal and other secretarial work including disposal of appeals, a Secretariat would be required with one Secretary for speedy disposal of appeals. Therefore, the Authority has decided to make provisions in these regulations for a composition of an appellate authority with one or more persons to be determined by the service provider and also provisions have been made to appoint one or more appellate authorities by service provider to ensure that every appeal is decided within three months. Further, the provision of secretariat with one Secretary for an appellate authority has been made in these regulations.

3.11.3 The issues relating to neutral common appellate authority and assigning the responsibility to act as appellate authority to VTM Cell of DOT are discussed under Issue No.4.

3.12 ISSUE NO. 10 - PROCEDURE FOR DISPOSAL OF APPEAL FOR THE APPELLATE AUTHORITY IN THE DRAFT REGULATIONS:

3.12.1 The comments of the stakeholders on the procedure for disposal of appeal for the appellate authority in the draft regulations are summarized in para (a) to (l) and analysed in the paragraphs following thereafter.

(a) Provision for electronic submission of appeal and online tracking of complaints; five days provided to secretary be reduced to two days for intimation of allotted number and copy to service provider; service provider must file the reply within a week; appellate authority to decide appeal within 15 days; and reporting requirements prescribed at point 18 under Chapter IV must be applied to Nodal Officer too and he should be able to settle most of the cases.

(b) Procedure for disposal of appeal is correct and suits the requirement of consumers.

(c) Proposed duration does not inspire speedy disposal of appeal;
(d) The possibility of monetary quantification of such failure could be explored and suitably incorporated in the Regulation. QOS and benchmarks will never be followed unless it is tagged to a monetary compensation. The Draft Regulation should include a table specifying the service and a fixed amount to be paid as compensation/penalty to the customer if the time specified in the benchmark is not followed/adhered to.
(e) Appellate authority within the company already exists. We would like to address the designation, obligations, geographical area and scope of responsibility of the Presiding (Appellate) Officer (s), in the Manual of Practice. Industry finalized Ombudsman will be implemented.
(f) Procedure appears to be in order, but need to be observed before finalizing the procedure and time frame for disposal of appeal.
(g) Proposed procedure is acceptable.
(h) The redressal of consumer grievances escalated to the Appellate authority should be dealt with in a time bound manner to better serve the customers.
(i) The power to pass orders for compensation to the appellants should be limited up to direct loss and not for indirect, intangible or any other kind of compensation (clause 17(11)).
(j) The time period for deciding the appeal by the appellate authority should at least be 4 months (clause 17(12)).
(k) The time period for compliance of orders of appellate authority by the service provider shall be 30 days instead of 15 days (clause 17(14)).
(l) The power to fix shorter time period for reporting by the appellate authority has been proposed to the Licensor rather than TRAI (Clause 18).

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Rebate and compensation:

3.12.2 There have been suggestions that the possibility of monetary quantification of such failure could be explored and suitably incorporated in the regulations. Also, there is a view that Quality of Service (QOS) and benchmarks will never be followed unless it is tagged to a monetary compensation and these regulations should include a table specifying the service and a fixed amount to be paid as compensation/penalty to the customer if the time specified in the benchmark for redressal of grievance is not followed/adhered to by the service provider. The Authority has considered the issue of compensation to consumer under such cases and is of the view that it is not possible to include all cases of grievances and link it to monetary compensation. Already provisions exist in the QOS Regulation for rental rebate for delayed rectification of fault and also provision is there for payment of interest for delayed refund of security deposits. Therefore,

the Authority decided that no provision is needed to be made in these regulations for such monetary compensation.

Time limit for disposal of appeals by appellate authority:

3.12.3 Regarding the time limit for disposal of appeals by the appellate authority, the suggestions received by the Authority from stakeholders varied from 15 days to 4 months. According to some of the stakeholders the period of one month, for disposal of appeals proposed in the draft regulations is too short considering the procedure outlined in the draft regulations. At the same time some of the stakeholders, especially the Consumer Advocacy Groups, want a shorter period to be specified for the appellate authority for the disposal of appeals. For the suggestion of "7 days time for the service provider to provide the information, 15 days time for the appellate authority to dispose off the appeal", the Authority is of the opinion that the time limit of 15 days may not be sufficient for disposal of appeals by following transparent procedures and providing a reasonable opportunity for hearing to the parties. Since the appeals come to the appellate authority after consideration of the grievances by the Call Centre and the Nodal Officer, the appellate authority has to take into account all the facts relating to the action and remedial measures taken by the Call Centres and Nodal Officers, therefore, there should be a reasonable time period for the appellate authority to address the appeals. Therefore, the Authority has decided that every appeal shall be decided by an appellate authority of every service provider within three months from the date of filing the appeal.

3.12.4 Regarding the suggestion that "five days provided to Secretary of an appellate authority be reduced to two days for acknowledgement of allotted serial number of appeal after registering it to the appellant and forwarding a copy of appeal to the service provider and the service provider must file the reply within a week", the Authority considered the suggestion and decided to reduce the time limit for providing acknowledgement to the appellant from five days to three days in these regulations. However, the Authority is of the view that the service provider requires adequate time to reply to the appeal. Hence, the Authority decided to allow 15 days time limit to the service provider for filing its reply to the appeal.

3.12.5 Regarding the suggestion "to have the time period for compliance or orders of appellate authority by the service providers as 30 days instead of 15 days proposed in the Consultation Paper", the Authority is of the view that 15 days is reasonable and sufficient for implementation of the orders of the appellate authority.

Electronic submission of appeals and exhibit status of pending appeals at website:

3.12.6 Regarding the suggestion for electronic submission of appeal and online tracking of complaints, the Authority considered these views and is of the opinion that while filing appeals many a times supporting documents or documentary evidences needed to be attached and these cannot be submitted online. The Authority has considered such suggestions and decided to make suitable provisions in these regulations for making or filing of complaints to Call Centre and Nodal Officer through e-mail and other electronic means. The Authority has also decided that an appellate authority shall exhibit at its website or website of the service provider, the status of each appeal pending for the disposal.

Reporting of status of appeals:

3.12.7 Regarding the suggestion that the "power to fix shorter time period for reporting by the appellate authority should be with the Licensor", the Authority is of the view that since these regulations are issued by the Authority such obligations cannot be made to the licensor by the Authority.

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3.13 ISSUE NO. 11 - PROCEDURE FOR MAKING THE MANUAL OF PRACTICE FOR HANDLING CONSUMER COMPLAINTS BEING MADE ACCESSIBLE TO CONSUMERS:

3.13.1 The comments of the stakeholders on the procedure for making the Manual of Practice for Handling Consumer Complaints being made accessible to consumers are summarized in para (a) to (e) and analysed in the paragraphs following thereafter.

(a) "Sales Outlet" Para (o) 3 on page 45 be amplified to "available with every pre-paid recharge card at sales outlet" and along with post paid bills.
(b) It is well documented. As explained in the letter, majority of the subscribers are pre-paid mobile subscribers. Hence it is suggested that the "Manual of Practice'' should also be made part of recharge coupons sold to pre-paid subscribers.
(c) Giving access for manual to consumer should be made compulsory and it should be widely publicized.
(d) The Manual of Practice should form part of the instruction manual at the Point of provision of service. It should also be available on the service provider's website and all company outlets.
(e) The Manual should be published on the website of the concerned service provider.

Accessibility of Manual of Practice:

3.13.2 One of the suggestions is that majority of the subscribers are pre-paid mobile consumers and hence the "Manual of Practice" should also be made part of recharge coupons sold to pre-paid subscribers. The Authority examined the suggestion and also noted that presently recharges can be made without purchasing any recharge coupons, such as easy recharge through electronic means and also considered that it is not reasonable to mandate such a provision of giving the "Manual of Practice" along with every pre-paid recharge coupon or card. Similarly, with every postpaid bill, it is not reasonable to provide the "Manual of Practice".

3.13.3 However keeping in view the stakeholders suggestions, the Authority has mandated in these regulations that the Manual shall be available for reference at every office of the service provider, Call Centre, customer care centre, help desk, the Nodal Officer, the appellate authority, at the sales outlets and at the website of the service provider. The Authority has also mandated that a copy of the Manual or its abridged version (containing salient features such as terms and conditions of service, contact details of Call Centre, the Nodal Officer and the appellate authority, procedure and time limit for redressal of grievances and time limit specified in the Schedule) shall be provided by the service provider or his agent to each consumer at the time of his subscription of service.

3.14 ISSUE NO. 12 - WHETHER USAGE DETAILS TO BE GIVEN TO PRE-PAID MOBILE CUSTOMERS?

3.14.1 The comments of the stakeholders as to whether usage details to be given to pre-paid mobile customers are summarized in para (a) to (g) and analysed in the paragraphs following thereafter.

(a) This is radical move which will infuse confidence / satisfaction in subscribers and boost the image of service providers and lead to a friendly regime.
(b) The Internet usage charge and SMS charge should also be included.
(c) We welcome the regulation and it will definitely help the consumers.
(d) It is not practically feasible for service providers to provide usage details in respect of pre-paid mobile consumers and that the same if done for individual requests will involve inordinate amount of effort, time and

cost to the service provider besides disruption of normal functioning of the network. The additional cost involved will be quite substantial and will have to be borne by the concerned subscriber.

(e) Usage details in respect of pre-paid subscribers should not be mandated.

(f) The Draft Regulation No. 22 is agreed but decision about reasonableness of price should be left to the service providers.

(g) While the prepaid customers are able to view their balance after every usage, there are technical issues involved in providing usage details for prepaid customers, which will need to be evaluated before making this facility available to such subscribers.

Provision of usage details to pre-paid customers:

3.14.2 From the above views of service providers it is clear that it is technically possible to provide usage details relating to the itemized usage charges showing actual service usage details in terms of all call data records and their monetary value to the customers, but there are cost implications. Since we have received a number of representations from pre-paid consumers about provision of itemized bills and also there were a large number of applications received under the RTI Act on information relating to provision of itemized usage details and charges to pre-paid customers, to protect the interest of pre-paid consumers, the Authority has mandated provision of usage details to pre-paid customers on request on payment basis at a reasonable charge. The determination of actual charges is left to the service providers, subject to a ceiling limit.

3.14.3 Keeping in view the observations made above, the Authority decided to mandate that on request from any pre-paid mobile connection consumer for any period falling in the preceding six months, the service provider shall supply such a consumer, at a reasonable cost, the information relating to 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. The Authority also considered that service provider may have to incur cost in provisioning of this information and accordingly specified a ceiling limit for charging such cost to the pre-paid consumer as the cost or price not exceeding rupees fifty or the cost or price payable by the post paid consumers of the same service provider for obtaining similar information or cost or price payable in accordance with the terms and conditions of the licence of the service provider, which ever is lowest.

4. CONSUMER COMPLAINTS REFERRED BY TRAI TO SERVICE PROVIDERS FOR REDRESSAL:

4.1 The consumers generally look up to the Authority to evolve mechanisms and approaches that enable the protection of the consumers' interest. The Authority has been receiving large number of complaints from consumers. Some of these complaints relate to complaints which are of a generic nature affecting a large number of consumers or showing systemic inadequacy or complaints alleging violation of the Act or regulations or directions or orders made under the Act or complaints alleging practices adopted by the service providers adversely affecting the interest of the consumers. TRAI looks into various issues raised in the complaints and these complaints are referred to the concerned service provider for effective redressal of the complaints and also to undertake root-cause analysis of the complaints and remedial action on similar cases in a time bound manner.

4.2 The Authority has observed that in many cases service providers either do not redress the complaints in a time bound manner or do not report to the Authority the action taken on the complaints referred to it and the result of the root-cause analysis. The Authority has, therefore, decided to mandate the service providers to investigate all such complaints referred by the Authority and resolve or redress such complaints within one month of referring the complaint by the Authority. The Authority has also mandated that the service provider shall inform the consumer and the Authority regarding resolution or redressal of the complaint within one month from the date of referring such complaints. Further, the Authority has mandated that if the investigation reveals general deficiency or systemic inadequacy in the practice and procedure or operation adopted by the service provider, the service provider shall take measures in respect to all such similarly placed consumers and intimate to the Authority within two months of referring such complaints regarding general deficiency or systemic inadequacy revealed and remedial measures taken by it.

5. After the detailed consultation process and taking into account the comments of all the stakeholders, the Authority is of the view that the service providers must provide an in-house Consumer Grievance Redressal Mechanism for speedy resolution of complaints of individual telecom consumers with minimum cost without affecting or taking away their legal rights to approach the courts or tribunal or forum or commission under any law in force. It has become necessary to regulate the issue of redressal of grievances of telecom consumers as the service providers have failed to provide adequate and effective in-house provisions for redressal of grievances of telecom consumers to their satisfaction. The Authority has, therefore, made the "Telecom Consumers Protection and Redressal of Grievances Regulations, 2007" without affecting the consumers' legal right to approach the courts or tribunal or forum or commission under any law in force at any time during the redressal of grievances under the said regulations or thereafter and to

ensure cost effective and speedy redressal of grievances of individual consumers.

6. The Consumer Grievance Redressal Mechanism specified in these regulations is on the principles of soft touch regulation focusing primarily on self-regulation by service providers for the redressal of grievances of telecom consumers. The Authority hopes that "Telecom Consumers Protection and Redressal of Grievances Regulations, 2007" would ensure effective, speedy and inexpensive redressal of grievances of consumers of telecom sector and would reduce the litigations in the forums, commissions and courts constituted under the law to adjudicate individual complaints of consumers of telecom sector.

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