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**Subject: Response to the Consultation paper on “Review of Measures to protect interest of consumers in telecom sector” dated 2<sup>nd</sup> August, 2010**

**Dear Sir,**

**We welcome the opportunity to respond to the Telecom Regulatory Authority of India’s (TRAI) Consultation Paper on “Review of Measures to protect interest of consumers in telecom sector” We thank TRAI for this consultation paper which will help address the consumer redressal concerns in India.**

**Please find our response to the consultation paper.**

**We would like to participate in any further opportunity to discuss these issues and looking forward to the counter-comments on the same.**

**Yours Sincerely,**

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**--Disclaimer—**

**Please note that the views presented below are solely of the students and not of the Institute.**

**5.1. What should be the benchmark for the parameter –Provision of a landline Telephone after registration of demand?**

The following can be the benchmark for the parameter-provision of a landline telephone after registration of demand.

The service providers shall monitor this performance and provide information in this regard to consumers. The benchmark for providing or provision of a landline telephone after registration of demand should be within four days, thus reducing the current timeline of seven days, this will in turn increase the satisfaction level of the customers and have positive approach of the customers towards the telecom service providers.

**5.2. Do you agree that parameter –Provision of a landline Telephone after registration of demand may be removed from the list of parameters requiring mandatory compliance to the Authority?**

NO

**5.3. Do you suggest any changes to the benchmark for the above parameter for landline fault repair, including rent rebate for delay in rectification of fault? If so, please provide details**

Yes, Complaints registered after the business hours will be taken as being registered in the next day business hours only after certain time period has been elapsed, for example if the business hours of the telecom service provider ends at around 6:00pm then in that case the complaints up to 8:00pm on that particular day should be considered for that day and the complaints received after that particular time space should be considered for the next working business day, this above change will bring in flexibility in the minds of customers and would work in positive frame for the service providers which would create good image in the minds of customers .

**5.4. What framework do you suggest to ensure payment/adjustment of rebate for prolonged landline phone fault as per QoS regulations?**

Faults pending for >3 days and ≤7 days: Rent rebate for 7 days.

Faults pending for >7 days and ≤15 days: Rent rebate for 15 days.

Faults pending for >15 days: rent rebate for one month.

**5.5. How do you propose to ensure its effectiveness?**

Customer Feedback Mechanism should be enforced to follow up the complaints. It should be made mandatory for the operators to respond/follow up within stipulated time.

**5.6. Do you propose any changes to the existing provisions relating to shift of a landline telephone connection?**

Yes, the existing provision of shifting of the landline telephone connection, should be changed, as per the existing provision as laid down in the Quality of service provision 2009, three working days is mentioned, but in general telecom service providers take around five working days for shifting of basic landlines connection , which should be reduced to two working days . In case of delayed rectification of fault, the customer is entitled for rent rebate.

**5.7. Do you suggest any change in existing provisions to ensure timely termination of service/closure? If so, please provide details**

No

**5.8. Do you agree with the suggestions for seeking explicit consent of the customer, in writing or SMS or e-mail or FAX, to continue with the service, once a request has been made for termination of service?**

Yes, it is very important for a Telecom service provider to seek explicit consent of the customer in writing or SMS or email or FAX, to continue with the service, once a request has been made for termination of service, this would help in protecting the interest of the customer towards the cellular service provider.

**5.9. Do you agree with the time period of four weeks provided for resolution of billing/ charging complaints? If not, please suggest alternatives.**

No, the existing time period of four weeks for resolution of billing/charging complaints is a longer period. For customer the redressal period of four weeks is too long period, instead period of two weeks for procedural settlement of billing/charging is ample time period, so that the customers are satisfied with the service providers and this in turn would lead to reduction of burden on the part of cellular service provider.

**5.10. Do you agree with present provisions regarding period of one week for applying credit/waiver/adjustment to customer's account upon resolution of billing complaint?**

No, the one which is mentioned as per the quality of service parameters 2009, is not applicable with most of the cellular service providers, both for prepaid and postpaid connections, the credit/waiver/adjustment scheme is not followed by most of the telecom service providers, therefore there should be in place a proper mechanism or procedure for applying credit/waiver/adjustment to the customer account. Thus for example in case of wrong activation of value added service (VAS) , the activation charges along with the monthly rental is not adjusted /credited to the respective customer's account , therefore there should be in place proper mechanism with respect to adjustment/credit/waiver for customers account.

**5.11. What should be the time period and terms and conditions for refund of deposits after closure/termination of service?**

As per the Quality of Service Regulations, 2009, all cases of refund of deposits have to be made within sixty days after closure. Here the deposit includes security deposit and any other refundable deposit taken from the customer. But in general the actual time period for refund of deposit taken from customer after closure/termination of service should be not more than 30 working days after closure or termination of the telecom service, any further delay in the above process should fetch interest rate of 10% per annum as per the existing norms given in the Quality of Service parameters 2009.

**5.12. What steps do you suggest for timely refund of deposits after closure/termination of service?**

The service provider should be entitled for penalty in the form of interest which is already prevailing, but the interest which is prevailing at 10% should be increased, so that the cellular service provider provide the customers the timely refund of deposit after closure termination of service.

Secondly, the cellular service providers should provide some compensation benefits to the customers which should be as per the policies and regulations of the telecom service providers.

**5.13. Do you suggest any changes to the present benchmark of 15 days for the parameter –Service provisioning/ Activation Time?**

Yes, there should be change in the present benchmark of 15 days for service provisioning/Activation time, because the current time lag for broadband activation is long waiting period for the customers, thus the benchmark should be changed to 7 days from time of collection of charges and any further delay would attract penalty of 10 Rs per day subject to a maximum of installation charge or equivalent usage allowance shall be given to the customer, at the time of issue of first bill.

**514. How the present provisions can be effectively implemented?**

Yes, various measures can be taken in order to ensure effective implementation of the present provisions.

Firstly, if the present benchmark is not followed by the particular cellular service provider of provisioning/activation, penalty should be imposed on service provider or specific interest should be credited to the customer's account.( Rates would be flexible as per the policies of the Cellular Service Provider.)

Secondly, if the activation/provisioning are not provided as per the present benchmark of 15 days, discount coupon or discounted rate plan should be provided to the customers or specified rebate as the per policy of the service provider should be provided to the customers.

**5.15. Do you suggest any changes to present benchmark for the parameter –Fault Repair/ Restoration Time and provision for rebates?**

Same as Above

**5.16. Do you propose any change in the existing system of selection of tariff plans for the audit of metering and billing system of service providers to make whole exercise more effective?**

In order to avoid checks and audit companies have been launching tariff plans at will, this can be meddled with considering audit of plans having more than 5% subscribers and all the new plans launched during the year

**5.17. What methods of alert do you prefer for premium service calls (Call rates higher than normal local call charges rates) before such calls are put through?**

There is a need to alert the subscriber before such premium calls are put through using some alert message or announcement through IVR.

Subscriber should be informed about applicable tariff and call is processed further only after confirmation by the subscribers to pay for such premium calls

**5.18. What information in your view should be provided to prepaid subscribers immediately on completion of every call to facilitate him understand his usages and verify correctness of the deductions?**

Firstly there is a need for providing complete information about the charges for each call, call duration, balance amount, etc. immediately after every call and such information should be displayed for sufficient time for the customer to read and understand the information.

Secondly there should also be facility for obtaining this information by sending SMS on toll free numbers. The provision of such information could allay the apprehensions of consumers about wrong charging and would lead to better customer satisfaction and would also lead to creating positive image in the minds of customers.

**5.19. What information do you feel is necessary after recharging a prepaid connection to ensure complete value for money immediately after recharging/top up?**

No Comments

**5.20. In your opinion, what should be done to increase the awareness about the call centre?**

The awareness about the call centre varies from service area to service area and from service provider to service provider. Thus to increase the awareness level of call center in the minds of the consumer, call center details should be published in Hindi/English language and in an Indian language in circulation in the service area at least thrice in 12 months and also through telephone bills issued to consumers. Another way in which the awareness level about the call centre can be increased is by issuing separate information brochure along with telephone bill which could provide detailed information about the call center. Thus the data provided in the Consultation paper, telecom service area like Punjab and Rajasthan is high, awareness level about the call centers is low in the telecom service area like Tamil Nadu, Chennai, Assam, thus in that case SMS teasers from the service providers can be provided to the customers so that they can get proper information with regards to call centers and thus this would lead to increase in awareness in the minds of customers.

### **5.21 How can we enhance accessibility of call centres for booking the complaints?**

We can enhance accessibility of call centres for booking the complaints by putting in place direct lines to call centres for customers. The complaint booths to be installed at public places like ATMs and Parks would help in reducing the footfalls at the relationship centres thereby improving the customer satisfaction level and creating positive image in their minds.

### **5.22. What are your suggestions about the location of the menu option for talking to a customer care agent/executive in the Interactive Voice Response (IVR) system of the Call Centre/ customer care number, for facilitating easy access to the call centre agent/executive? Should it be the first sub-menu at the third layer, the first layer being the choice of language and the second layer being service menu?**

The location of the menu option for talking to a customer care agent/executive in the IVR system of the call centre/customer care number should be easy to understand for an individual, in most of the service providers, the menu options are difficult to understand for the subscribers. Thus the location should be move to second layer being service menu itself only.

### **5.23. Should TRAI mandate all service providers to provide complaint booking number accessible from other telecom networks also for complaint booking in case of service disruption? Should such call centre numbers also be toll free?**

No Comments

### **5.24. Do you agree that docket numbers should also be sent to subscribers' through SMS who is booking complaint?**

Yes, the docket number which are issued by various telecom service providers to subscribers should be sent through SMS, because there is high probability that the docket number issued by service provider which is lengthy and sometimes difficult for the customer to either remember or note down while booking the complaint may be misinterpreted by the customer. The chances of mistake while noting down this complaint number cannot be ruled out, therefore the docket number or the complaint number which is provided to the customers should be sent through SMS, so that the customers are assured for proper redressal, which in turn would create proper and positive image in the minds of the customers and increase the satisfaction level of the customers towards the respective telecom service providers.

**5.25. Will sending of docket number of complaints to subscribers through SMS help them to pursue their complaints and increase effectiveness of consumer grievance redressal system?**

Yes, sending of docket number of complaints to subscribers through SMS will help the telecom service providers to pursue their complaints and will also increase the effectiveness of consumer grievance redressal system , thus by issuing proper docket number to each customer and sending SMS to each individual subscriber will generate automated database for total number of complaints which have been registered with the service provider, which will in turn lead to proper redressal of the consumer grievance.

**5.26. Do you feel that unique format for docket numbers across the service providers will increase monitoring and speedy redressal of subscriber complaints?**

No, unique format for docket number across the service providers will not increase monitoring and speedy redressal of subscriber complaints, thus in order to increase the speedy redressal of subscriber complaints proper procedure need to be followed by each individual service provider, in providing docket number to each subscriber and having proper follow-up for each customer.

**5.27. Do you agree that customers need to be informed about the status of redressal of their complaints before closure of the docket? If so, will it be desirable to inform the subscriber about status of the complaints through SMS before closure of the docket number?**

Yes, the customers should be informed about the status of redressal of their complaints before closure of the docket, this in turn will affect the positive image of the telecom service provider in the minds of the customers and will increase the satisfaction level of the customers, so that there would be a justified mechanism for the redressal of consumers.

Yes it would be desirable for the service providers to provide information about each subscriber about the status of the complaints through SMS before closure of the docket number

**5.28. What parameters should be considered to determine the effectiveness of complaint redressal at call centre level? How could effectiveness of complaint redressal at call centre level be measured?**

There can be in place rating mechanism where in customer can give feedback through various modes, for e.g. SMS which would help in measuring the effectiveness of complaint redressal at call centre level.

**5.29. In your views, will it be feasible to indicate tentative time frame for redressal of consumer grievance? Will it increase subscriber satisfaction level?**

Yes, it will be feasible to indicate tentative time frame for redressal of consumer grievance, which will help in increasing the satisfaction level of the subscriber, so that the customers are assured that the complaints which has been registered at the respective service provider will be solved within the specified time frame.

**5.30. What are your suggestions for using complaints received at call centre for improvement in QoS and processes adopted by a service provider? Do you perceive any need for TRAI to oversee such analysis and monitor corrective actions?**

No Comments.

**5.31. In your opinion, what should be done to create awareness about the Nodal Officer?**

For creating awareness about the Nodal Officer, service providers should send contact details of nodal officer through SMS or the same can be saved in the SIM card of existing users using Over the Air transfer facility. SIM can also be pre- configured giving the details of call centre, Nodal Officer and Appellate Authority. Another way of creating awareness about the Nodal Officer is by way of introducing a uniform number across all service providers, separately for basic telephone service, cellular mobile telephone service and Broadband service, which would again help in positive phase to create awareness about the nodal officer.

**5.32. What should be the maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference?**

The maximum permissible time in which nodal officer must acknowledge the receipt of the grievance and indicate a unique number for future reference should not be more than one working day, because the present three days is considered too long by the customers.

**5.33. Do you suggest that the nodal officer give an indicative time for redressal of grievance while communicating receipt of grievance? Will it boost the confidence of the subscriber?**

Yes, nodal officer should provide indicative time for redressal of grievance while communicating receipt of grievance, by indicating proper time framework for redressal, the satisfaction level of the consumers would also increase and which in turn will boost the confidence of the subscriber.

**5.34. Will it be feasible to communicate the tentative time for redressal of the grievances and ensure redressal within prescribed timeframe?**

Yes, it will be feasible for the nodal officer to communicate the tentative time for redressal of the grievance, and to ensure redressal within prescribed timeframe, as mentioned above technically it would increase the confidence level of the subscriber towards the service provider which in turn would bring positive image in the minds of the customers. Nodal officer can use the experience that they have gathered and can settle issues and claims of the customers.

**5.35. What framework do you propose for timely disposal of consumer grievances and feedback on status of grievance redressal before disposal?**

Refer Question: 40

**5.36. In your opinion, what should be done to improve the accessibility of nodal officers?**

The Nodal Officer can be approached through a letter in writing or telephone or web-based online system or SMS or other electronic means. On the other hand in order to improve or increase the accessibility of nodal officers, the number of nodal officer offices should be increased as compared to the total number of offices which are currently existing, The fast growth and higher penetration of telecom services in semi-urban and rural areas may require allocation of nodal officers in better reach of subscribers which would help the customers to have proper access of various nodal officers and which would also lead to increase in the awareness level of the nodal officers.

**5.37. How would effectiveness of Nodal Officer be monitored?**

The effectiveness of Nodal Officer can be monitored with the help of percentage of total number consumer grievances cases resolved and the total amount of time taken to resolve the issues underlying with the Nodal Officer of the particular service area, this can in turn help in understanding the gap in the total number of consumer cases with the Nodal Officer and the time taken by Nodal Officer to solve the issues (or in other words the average time taken by the Nodal Officer to solve individual cases)

**5.38. What should be the parameters and framework to judge the effectiveness of the nodal officers?**

Nodal Officer can be monitored with the help of total number consumer grievances cases with the Nodal officer and the total time taken to resolve the issues underlying with the Nodal Officer of the particular service area, this can in turn help in understanding the gap in the total number of consumer cases with the Nodal Officer and the time taken by Nodal Officer to solve the issues, lastly there could be certain procedures which include periodically review by the governing bodies.

**5.39. In your opinion, what should be the time frame for redressal of grievances by the Nodal Officer?**

Timeframe for redressal of grievances relating to disruption of service within two days and other cases within six days by the Nodal Officer.

**5.40. What should be done to ensure redressal of consumer grievances within prescribed timeframe?**

There should be proper set of procedure, in order to ensure redressal of consumer grievances within prescribed timeframe, for e.g. in order to ensure proper grievance of an individual customer setting up of an office of Ombudsman in India, for solving individual telecom cases could contribute in a positive manner for timely redressal for e.g. in Ofcom in UK solves around 95% of its telecom cases through the office of ombudsman. **Secondly** in order to ensure redressal of consumer within timeframe, increase in the number of nodal officers and appellate authority would contribute in a positive manner which would have positive impact in the minds of the customers.

**5.41. What framework do you perceive for regular analysis of consumer grievances at Nodal officer level to identify systemic failures and to initiate necessary actions? Do you perceive the need to mandate such provisions?**

Nodal officers should be able to segment problems depending upon the connection type and technology used as it would help in identifying a set of chronic consumer grievances and take actions against systematic failures. No, such provisions with regards to framework should not be mandate.

**5.42. What are your views regarding charging of nodal officer Number especially in view of the fact that nodal officer is part of consumer grievance redressal mechanism? Elaborate your response.**

Calls to nodal officers must be toll free as it is being accessed for redressal of grievances of existing subscribers and thus no charge or fee should be charged to the customers, unlike in the case of Banking sector, where under the Banking Ombudsman Scheme 2006, the consumers are free to redress their issues under the Banking Ombudsman Scheme 2006, thus Consumers argue that nodal officer is accessed for redressal of the grievance which could not be solved at the call centre level due to inadequacy in the system of service providers. Thus as per the Quality of Service parameters 2009 , it has been stated that the customers pay huge amount of charges for connecting the call to the nodal officer or his representative, the normal call holding time ranges from 10 seconds to 50 seconds, therefore there should not be any charge for access calls to nodal officers .

**5.43. What should be done to enhance awareness about Appellate Authority to ensure effective redressal of consumer grievances?**

Awareness of Appellate Authority is very low in spite of lapse of about three years. Awareness can be increased by suggesting the service providers to publish every year the contact details of the Appellate Authority through newspaper and through the bills issued to customers and display the same in every sales office.

Secondly , effective redressal of consumer can be increased by the way of SMS to customers the detailed contact details of the appellate authority which will help the customers to have proper access of the various appellate authority in the different service area.

**5.44. What framework do you suggest for filing of the appeal to Appellate Authority for redressal of consumer grievances by subscribers? How can it be made easy and user friendly?**

No Comments

**5.45. In your view, what should be the time frame for acknowledgement of the appeal by Appellate Authority?**

The time frame for acknowledgement of the appeal by Appellate Authority should not be more than two working days, from the day the complaint has been issued by the customer keeping in mind the interest of the customer and image of the service provider in the minds of the subscriber.

**5.46. Would it be feasible and desirable to convey the tentative time for disposal of the appeal by Appellate Authority to improve subscriber confidence?**

Yes, it would be feasible and desirable to convey the tentative time for disposal of the appeal by the Appellate Authority because, by allocating proper specified time to customers, this would improve confidence in the minds of the subscribers and would also help in increasing image in the minds of the customers

Secondly by indicating tentative time for disposal of the appeal, there would proper disposal of complaints from service providers end and thus would also help in improving subscriber confidence and avoid unnecessary harassments

**5.47. How feedback at the time of disposal of appeal can be made more transparent, self speaking and impartial? Is there a need to institutionalize feedback mechanism at appellate authority level of service provider to improve effectiveness of the processes?**

Yes we can institutionalize feedback mechanism at the appellate authority level of service provider thereby improving effectiveness of the process and helping in bringing in credibility to the service provider and ensuring customer's brand loyalty

**5.48. What should be the framework to improve the effectiveness and acceptability of the Appellate authority as an independent and impartial body? Provide details of the proposed framework.**

No Comments.

**5.49. In your opinion, what should be the maximum time period for deciding an appeal by the Appellate Authority?**

The maximum time period for deciding appeal by Appellate Authority should not be more than one month keeping in view the interest of the customers.

**5.50. What should be the time limit within which the information about itemized usage charges should be provided on request from a pre-paid customer?**

The time limit within which the information about itemized usage should be provided on request for pre-paid customer should be three months from date of requesting at a reasonable cost keeping in minds the need of the customers, so that the customers have good and positive image towards the service providers.

**5.51. Can you suggest further measures to effectively control provision of value added services without explicit consent of the subscriber? Kindly provide details of proposed framework.**

The measures which can taken to control provision of value added services without explicit consent of the subscriber are as follows:-

Heavy penalty should be imposed on the service provider, for charging specific VAS service to customer without the consent thereby discouraging the malpractices of the service providers.

The amount which has been debited from the subscribers account should be credited back to customers account within the specified time period; there should not be further delay from service provider's end.

If the service provider is not able credit the amount charged from the customer as per the company policies, then in that case certain VAS service should be provided free of cost to the customer without any rental charge or activation charge for limited period of time in order to protect the interest of the subscriber and to create good image of the service provider in the minds of the customers.

**5.52. In your opinion, what more should be done to increase effectiveness of consumer education?**

In order to increase the effectiveness of consumer education, various measures need to be taken , firstly proper information brochure should be made available at time of buying the service from the respective telecom service provider which purely contains detailed information about the three stage grievance mechanism , proper information about the various call centers should be provided to the customers, secondly proper information about the Nodal Officer should also be provided to the customers, proper information with regards to telephone numbers , location address of the Nodal Officer should be provided and lastly proper procedure guide for approaching the Appellate Authority,

Secondly in order to increase the effectiveness of consumer education, proper workshop should be conducted highlighting the importance and detailed information about the three stage grievance mechanism, so that consumers are made aware about various ways of consumer redressal system

**5.53. How effectiveness of web based Consumer grievance redressal mechanism can be increased?**

In order to increase the effectiveness of web based consumer grievance redressal mechanism, the service providers should undertake proper consumer education with this respect, so that the consumers are aware of this system, the service providers should provide online training assistance, which would work towards the benefit of the consumers so that the customers can have proper in-depth knowledge to filling web based complaints.

Secondly the service providers should provide proper detailed information on the separate brochure highlighting the ways and means for a consumer to approach the online web based consumer grievance forum, this brochure could be issued along with the monthly telephone bill of the customer, so that the customer can have proper and detailed information about the system.

Thirdly, one of the major way in which the web based consumer grievance mechanism can be increased is by airing of such mechanism on television, so that consumers can get proper detailed information about the redressal and on the other hand Companies should make the user friendly computer interfaces to dissipate information and make it interactive for them.