

Mathur, Subodh

From: Vivek Khare <adv.ca@traf.gov.in>
Sent: 14 May 2026 10:28
To: Mathur, Subodh
Subject: [EXT] Fwd: Consolidated Feedback on Draft Telecom Consumers Complaint Redressal (Fourth Amendment) Regulations, 2026

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Please discuss.

Advisor (CA)
Telecom Regulatory Authority of India
New Delhi
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==== Forwarded message =====

From:
To: <adv.ca@traf.gov.in>
Date: Tue, 12 May 2026 13:48:30 +0530
Subject: Consolidated Feedback on Draft Telecom Consumers Complaint Redressal (Fourth Amendment) Regulations, 2026

==== Forwarded message =====

To,
Shri Vivek Khare
Advisor (Consumer Affairs)
Telecom Regulatory Authority of India
Tower-F, NBCC World Trade Centre, Nauroji Nagar
New Delhi – 110029

Email: adv.ca@traf.gov.in

Date: 12/05/2026

Subject: Consolidated Feedback on Draft Telecom Consumers Complaint Redressal (Fourth Amendment) Regulations, 2026

Dear Shri Vivek Khare,

I write as an individual telecom consumer to submit my comments on the Draft Telecom Consumers Complaint Redressal (Fourth Amendment) Regulations, 2026, published on 7th May 2026, ahead of the 5th June 2026 deadline.

I welcome the authority's intent to modernize the grievance redressal framework. The introduction of a complaint monitoring system, 24x7 complaint center access, online consumer surveys, digital-first redressal channels, and ICT accessibility for persons with disabilities are all meaningful steps forward. However, several provisions, when examined closely, fall short of delivering genuine consumer protection – particularly on enforcement, accountability, and structural fairness. I have set out my concerns and

suggestions below.

1. FINANCIAL DISINCENTIVES: INADEQUATE AND CONSUMER-EXCLUDING

Regulations 18.A and 18.B prescribe financial disincentives of ₹1,000 per improperly dismissed complaint and ₹5,000 per improperly dismissed appeal, capped at ₹50 lakhs per quarter per LSA. For service providers with tens of millions of subscribers and revenues in thousands of crores, these amounts are operationally insignificant and will not serve as a meaningful deterrent.

More critically, all penalties flow to the authority—not to the aggrieved consumer. A consumer whose complaint or appeal was improperly dismissed receives no compensation, no remediation, and no acknowledgement. This is inconsistent with the stated objective of consumer-centricity.

Suggestions:

- (a) Increase the per-instance disincentive to at least ₹5,000 per improperly dismissed complaint and ₹25,000 per improperly dismissed appeal.
- (b) Introduce a mandatory consumer compensation clause: service providers must credit the affected consumer's account (or pay directly) a fixed sum — e.g., ₹500 for complaints and ₹2,000 for appeals — when improper dismissal is established through audit or review.
- (c) Link the quarterly cap to a percentage of the service provider's revenue in the LSA, rather than a flat amount, so that the disincentive scales proportionately with the provider's size.

2. APPEAL RESOLUTION TIMELINE: NO CONSEQUENCE FOR BREACH

Regulation 14 mandates resolution of appeals within 15 days, which is a welcome reduction. However, the regulation prescribes no consequence whatsoever if a service provider fails to meet this deadline. A timeline without enforcement is a suggestion, not a regulation.

Suggestions:

- (a) Introduce an automatic financial disincentive for each day of delay beyond the 15-day resolution deadline, similar to the structure in Regulation 18.B for QPR submissions.
- (b) Where an appeal remains unresolved beyond 15 days without a valid documented reason, mandate automatic escalation to TRAI for oversight, with the consumer notified of this escalation.

3. THE APPELLATE AUTHORITY REMAINS STRUCTURALLY CONFLICTED

While Regulation 10 rightly requires the Appellate Authority to be a senior employee with at least 5 years of experience, this individual remains financially employed by the same service provider the consumer is complaining against. This is an inherent structural conflict of interest that undermines the credibility and legitimacy of the entire appellate process.

The removal of the Advisory Committee under Regulation 11, though aimed at reducing procedural delays, has simultaneously eliminated the only independent voice in the process. Consumers now have no neutral party within the framework to represent their perspective.

Additionally, TRAI should not rely solely on providers' self-reporting to assess whether appeals were handled fairly.

Suggestions:

- (a) Mandate that TRAI conduct periodic independent audits of a random sample of disposed appeals to verify that they were resolved fairly and in compliance with the regulation, not just based on data submitted by the provider.

(b) Introduce an independent ombudsman mechanism, or create a TRAI-operated digital escalation portal where a consumer may request review of an appellate decision by a TRAI-designated officer.

(c) At a minimum, allow a consumer-requested consumer representative (from TRAI-registered organizations) to be available as a non-binding advisor to the Appellate Authority upon the consumer's request.

4. REDUCTION OF APPEAL FILING WINDOW TO 15 DAYS IS CONSUMER-ADVERSE

Regulation 9 reduces the appeal filing window from 30 days to 15 days. While the explanatory note suggests that a dissatisfied consumer would act promptly, this assumption does not hold for rural consumers, elderly users, or those with limited digital literacy who may need additional time to understand their rights, evaluate the provider's response, and initiate a formal appeal.

The condonation provision (up to 3 months on sufficient cause) provides some relief, but the burden of proof rests entirely on the consumer — adding procedural friction to an already asymmetric process.

Suggestions:

(a) Restore the appeal window to a minimum of 21 days as a fair balance between operational efficiency and consumer fairness.

(b) Mandate that when a complaint is closed, the service provider must proactively communicate — in simple language and in the consumer's preferred language — the consumer's right to appeal, the exact deadline to do so, and the channels through which an appeal may be filed.

5. CLARITY ON WHAT CONSTITUTES "IMPROPER DISMISSAL"

Regulation 18.A introduces a financial disincentive for "improper dismissal" of complaints and appeals, but nowhere in the regulation is "improper dismissal" defined. Without a clear definition, the provision is difficult to apply consistently and is open to interpretation favourable to the service provider.

Suggestion:

TRAI should publish, alongside the final notification, a non-exhaustive illustrative list of what constitutes an improper dismissal — for example: closing a docket without providing a written reason; closing a complaint before the promised resolution time; marking a complaint as resolved without consumer confirmation; or dismissing an appeal without examining the documents on record. This will enable both consumers and auditors to apply the provision effectively.

6. SMALL ISPs EXEMPTED — THEIR CONSUMERS UNPROTECTED

The amended Regulation 1 makes compliance voluntary for Internet Service Providers below the subscriber threshold. This creates a category of consumers — typically in Tier-2/3 towns and rural areas — who have no legally enforceable grievance redressal mechanism, often relying on these smaller ISPs as their sole means of internet access.

Suggestions:

(a) While full quarterly reporting compliance may be disproportionate for small ISPs, a minimum mandatory baseline should apply to all licensed/authorised providers, regardless of size: a designated point of contact, written complaint acknowledgement within 48 hours, and a 7-day resolution commitment.

(b) At minimum, require even exempt ISPs to display a simplified complaint redressal link prominently on their homepage, so that consumers know where to direct grievances.

7. CONSUMER SATISFACTION SURVEY LACKS INDEPENDENCE AND INCENTIVE

Regulation 14.A mandates a post-resolution Online Consumer Survey — a welcome addition. However, the survey is designed, administered, distributed, and reported entirely by the service provider, with no independent oversight of methodology, response rates, or data integrity. Voluntary participation may also result in low response rates that do not reflect the broader consumer experience.

Suggestions:

- (a) Require survey links to be transmitted via a TRAI-operated or independently verified platform, rather than solely through the service provider's infrastructure.
- (b) Mandate disclosure of survey response rates in Quarterly Performance Reports, alongside the satisfaction scores.
- (c) Establish minimum acceptable satisfaction thresholds; sustained performance below these thresholds should trigger mandatory regulatory scrutiny — making the survey a genuine accountability tool.
- (d) Explore lightweight incentives for survey participation (e.g., data credits or priority redressal) to improve response rates and the representativeness of results.

8. PwD PROVISIONS: ASPIRATIONAL LANGUAGE MUST BE MADE MANDATORY

Regulation 3(12) introduces ICT accessibility provisions for Persons with Disabilities, which is commendable, especially in the context of the Hon'ble Supreme Court's April 2025 ruling that digital access is an intrinsic component of the right to life. However, the regulation uses the word "should" in several PwD-related provisions, while identical provisions for general consumers use "shall." This inconsistency renders PwD protections legally unenforceable.

Further, the regulation does not specify how compliance with PwD provisions will be monitored or what penalties apply for non-compliance.

Suggestions:

- (a) Replace "should" with "shall" throughout Regulation 3(12) to give PwD protections the same mandatory force as other obligations.
- (b) Mandate periodic accessibility audits — by an independent third party or TRAI-designated auditor — to verify that call centre desks, mobile apps, and web portals meet Government of India PwD guidelines.
- (c) Prescribe specific penalties for failure to comply with PwD accessibility requirements.

9. TRANSPARENCY BEYOND QUARTERLY REPORTS

The regulation requires service providers to publish Quarterly Performance Reports (QPRs). However, there is no requirement for real-time or more granular public disclosure of complaint statistics, beyond what the provider chooses to highlight.

Suggestion:

Require service providers to publish on their websites, updated at least monthly, key anonymized statistics: total complaints received, resolved within benchmark, average resolution time, and pending complaints. This will enable consumers to make informed choices and create competitive pressure on providers to improve performance.

10. CONSUMER CONSENT AND CONTROL IN AI-MEDIATED REDRESSAL

Regulation 3(11) permits service providers to deploy AI Agents and Chatbots for complaint registration and resolution. While this can improve efficiency, consumers — particularly elderly or less tech-savvy

users — risk being trapped in automated loops that do not resolve their issue and do not connect them to a human representative promptly.

Suggestion:

Mandate that every AI or chatbot interface must prominently offer a "Connect to Human Representative" option at the very first level of interaction — not buried within sub-menus — so that consumers can bypass automated redressal instantly if they choose to. This should not be positioned as a sub-option after multiple IVRS levels.

CONCLUSION

The Fourth Amendment is a substantive and forward-looking revision of the 2012 framework, and I appreciate the Authority's commitment to improving consumer redressal. However, for these amendments to translate into meaningful protection on the ground, the enforcement architecture must match the scale of the telecom sector, structural conflicts of interest must be addressed head-on, and the most vulnerable consumers — those served by small ISPs, those with disabilities, and those with limited digital access — must not be left without recourse.

I trust the Authority will give these concerns due consideration before finalising the notification. I remain available to provide further inputs if required.

Yours sincerely,
B. Sankar Ganesh