

F.No.305-20/2009
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan,
Jawahar Lal Nehru Marg, New Delhi – 110 001

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Dated 10th August, 2009

DRAFT REGULATIONS FOR AMENDMENT OF THE TELECOM CONSUMERS PROTECTION AND REDRESSAL OF GRIEVANCES REGULATIONS, 2007 (3 OF 2007) DATED THE 4TH MAY, 2007

1. The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007) dated the 4th May, 2007 provide for redressal of grievance of telecom consumers by the service provider through a three tier mechanism viz. call centre, Nodal Officer and appellate authority. These regulations also provide for the time limit and the procedure for redressal of grievances by three-tier mechanism within the company. As per these regulations, the time limit set out by the Authority in the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 dated the 1st July, 2005 (11 of 2005) for the consumer centric quality of service parameters shall be applicable for redressal of grievances of telecom consumers relating to such quality of service parameters. These parameters relates to provision of telephone after registration of demand, fault repair by next working day, shift, closure, refund of security deposit, resolution of billing complaints and period of refunds/ payments due to customers from date of resolution of complaints.

2. The Authority had recently reviewed the Quality of Service regulations of 2005 and notified the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) dated the 20th March, 2009, which has come into effect from 1st July, 2009. In these regulations the benchmarks for some of the existing Quality of Service parameters have been modified, some new Quality of Service parameters have been introduced and some of the Quality of Service parameters have been taken out of Quality of Service regulations. In view of this, there is a need to amend the Telecom Consumers Protection and Redressal of Grievances Regulations (3 of 2007) dated

4th May, 2007 to make it in line with the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) dated the 20th March, 2009.

3. The Authority had issued a direction on issue of Docket Number for customer complaints and termination of service on 29th August, 2006, which inter-alia prescribed the time limit and other conditions for termination of service. The Authority's directions dated 29th August, 2006 provides for different time limits for termination of service, based on the different modes of request for termination of service, such as (a) within twenty four hours of the receipt of a request for termination of service made in writing; (b) within three working days of the receipt of a request for termination of service made through Fax or through e-mail ID registered with the service provider; and (c) within seven working days of the receipt of a request for termination of service made through Telephone call, SMS and e-mail. While reviewing the Regulation on Quality of Basic and Cellular Mobile Telephone Services, 2005 dated 1st July, 2005, the issue of termination/ closure of service was discussed with the stakeholders and accordingly a uniform time period of seven days for closure/termination of service both for basic and cellular mobile telephone service has been provided in the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) dated the 20th March, 2009. Hence, there is a need to amend Authority's direction dated 29th August, 2006 on issue of Docket Number for customer complaints and termination of service.

4. The proposed Telecom Consumers Protection and Redressal of Grievances (Amendment) Regulations and Amendment to direction on issue of Docket Number for customer complaints and termination of service on 29th August, 2006 are enclosed at **Annex.1** and **Annex.2**.

5. All stakeholders are requested to send their written comments on the proposals to amend the Telecom Consumers Protection and Redressal of Grievances Regulations (3 of 2007) dated 4th May, 2007 to make it in line with the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) dated the 20th March, 2009

on or before 24th August, 2009. Since the amendments to the regulations and direction are consequential amendments, which are required to make the same in line with the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) dated the 20th March, 2009 no Open House Discussions are considered. For any clarification on the matter, Shri M C Chaube, Advisor (Quality of Service) may be contacted on Telephone No. 011-23230404, Fax No. 011-23213036 and e-mail: chaubemc@tra.gov.in. Submission in electronic form would be appreciated.

(M.C. Chaube)
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EXTRAORDINARY, PART III, SECTION 4

**TELECOM CONSUMERS PROTECTION AND REDRESSAL OF
GRIEVANCES (FIRST AMENDMENT) REGULATIONS, 2009
(..... OF 2009)**

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the August, 2009

F. No. 305-20/2009-QoS .----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007), namely:-

1. (1) These regulations may be called the **Telecom Consumers Protection and Redressal of Grievances (Amendment) Regulations, 2009.**

(2) They shall come into force on their publication in the Official Gazette.

2. In the Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007), (hereinafter referred to as the principal regulations),-----

(a) in sub-regulation (2) of regulation 3,

for the words, letters, figures, brackets and numbers *“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”*,

the words, letters, figures, brackets and numbers “both for (a) Accessibility of call centre/ customer care and (b) Percentage of calls answered by the operators (voice to voice) within 60 seconds, specified in the Standards of

Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated the 20th March, 2009 (7 of 2009) published under notification F.No. 305-25/2008-QoS in the Gazette of India, Extraordinary, Part III, Section 4 dated the 23rd March, 2009” shall be substituted;

(b) in sub-regulation (1) of regulation 5,

for the words, figures, brackets and numbers “Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 dated the 1st July, 2005 (11 of 2005)”,

the words, figures, brackets and numbers “Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated the 20th March, 2009 (7 of 2009)” shall be substituted;

(c) in sub-regulation (1) of regulation 20, for clauses (g) and (h), the following clauses shall be substituted, namely:-

“(g) an Annexure [relating to the Basic Telephone Service (wireline)] 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 (wireline) specified in sub-regulation (1) of regulation 3 and sub-regulation (1) of regulation 4 of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated the 20th March, 2009 (7 of 2009), as amended from time to time, namely:--

(A) Benchmark against Serial Number (ii) of sub-regulation (1) of regulation 3 relating to fault repair by next working day;

(B) Benchmark against Serial Number (viii) of sub-regulation (1) of regulation 3 relating to resolution of billing/charging complaints;

(C) Benchmark against Serial Number (ix) of sub-regulation (1) of regulation 3 relating to period of applying credit/ waiver/ adjustment to customer’s account from the date of resolution of complaints;

(D) Benchmark against Serial Number (xi) of sub-regulation (1) of regulation 3 relating to termination/ closure of service;

(E) Benchmark against Serial Number (xii) of sub-regulation (1) of regulation 3 relating to time taken for refund of deposits after closures;

(F) Benchmark against Serial Number (i) of sub-regulation (1) of regulation 4 relating to provision of a telephone after registration of demand;

(G) Benchmark against Serial Number (ii) of sub-regulation (1) of

regulation 4 relating to shift of telephone connection;

(h) an Annexure [relating to Cellular Mobile Telephone Service] to the Manual containing text of the Quality of Service Benchmarks, in particular the following benchmarks for Cellular Mobile Telephone Service, specified in sub-regulation (1) of regulation 5 of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated the 20th March, 2009 (7 of 2009), as amended from time to time, namely:--

(A) Benchmark against Serial Number B (vii) (a) relating to resolution of billing/charging complaints;

(B) Benchmark against Serial Number B (vii) (b) relating to period of applying credit/ waiver/ adjustment to customer's account from the date of resolution of complaints;

(C) Benchmark against Serial Number B (ix) relating to termination/ closure of service;

(D) Benchmark against Serial Number B (x) relating to Time taken for refund of deposits after closures” ;

3. In the Schedule to the principal regulations, -----

(a) for Table “**A. Basic Service (Wire line):**” and entries relating thereto, the following Table and entries relating thereto shall be substituted, namely:-

“A. Basic Telephone Service (wireline):

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 Connection	Within three days
(iv)	Termination/ Closure of service	Within seven days
(v)	Resolution of billing/ charging complaints	All billing/ charging complaints to be resolved within four weeks.
(vi)	Period of applying credit/ waiver/adjustment to customer's account from the date of resolution of complaints	Within one week of resolution of complaint
(vii)	Time taken for refund of deposits after closure	All cases of refund of deposits to be made within sixty days after closure”;

(b) for Table “**B. Basic Service (Wireless) and Cellular Mobile Telephone Service:**” and entries relating thereto, the following Table and entries relating thereto shall be substituted, namely:-

“B. Cellular Mobile Telephone Service:

Serial Number (1)	Service Parameter (2)	Time Limit for service request or redressal of complaint (3)
(i)	Resolution of billing/charging complaints	All billing/charging complaints to be resolved within four weeks.
(ii)	Period of applying credit/waiver/adjustment to customer’s account from the date of resolution of complaints	Within one week of resolution of complaint
(iii)	Termination/ Closure of service	Within seven days
(iv)	Time taken for refund of deposits after closure	All cases of refund of deposits to be made within sixty days after closure”.

(R.K. Arnold)
Secretary

Note.1. - The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 10th May, 2007 vide notification No. 303-10/2006-QOS dated the 4th May, 2007.

Note. 2. - The Explanatory Memorandum explains the objects and reasons of the Telecom Consumers Protection and Redressal of Grievances (Amendment) Regulations, 2009.

**EXPLANATORY MEMORANDUM TO THE TELECOM
CONSUMERS PROTECTION AND REDRESSAL OF
GRIEVANCES (AMENDMENT) REGULATIONS, 2009
(-- OF 2009)**

DATED THE, 2009

1. BACKGROUND

1.1 The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007) dated the 4th May, 2007 were published in the Gazette of India, Extraordinary, Part III, Section 4 vide notification number No. 303-10/2006-QOS dated the 10th May, 2007. These regulations are applicable to all service providers providing basic telephone service, unified access service and cellular mobile telephone service and also to service providers providing Broadband service (except 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). These regulations provide for a three tier grievance redressal mechanism within the company viz the Call Centre, the Nodal Officer and the appellate authority. These regulations also provide for the procedure and time limit for redressal of grievances of telecom consumers.

1.2 The principal regulations contain a Schedule relating to service parameters and time limit for service request or redressal of complaint of telecom consumers by Call Centre. The quality of service parameter and time limit for service request or redressal of complaint specified in the schedule is based on 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). The Authority had recently reviewed the Regulation on Quality of Service of Basic and Cellular Mobile Telephone Services, 2005 dated the 1st July, 2005 (11 of 2005) and notified

the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated the 20th March, 2009 (7 of 2009). In these regulations the benchmarks for some of the existing Quality of Service parameters have been modified, some new Quality of Service parameters have been introduced and some of the Quality of Service parameters have been taken out of Quality of Service regulations. The Telecom Consumers Protection and Redressal of Grievances Regulations, 2007 (3 of 2007) dated the 4th May, 2007 have been amended to incorporate the changes brought out by the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 dated the 20th March, 2009 (7 of 2009) to the quality of service parameter and time limit for service request or redressal of complaint specified in the schedule.

DRAFT DIRECTION

No.303-6/2006-QoS (Pt.)

Dated -----

Subject : Second amendment to the Direction issued vide number F.No.303-6/2006-QoS dated the 29th August, 2006 under section 13, 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) on issue of Docket Number for customer complaints and termination of service.

F.No. 303-6/2006-QoS Whereas the Telecom Regulatory Authority of India [hereinafter referred to as the Authority] established under the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) [hereinafter referred to as the Act] had, in exercise of powers conferred upon it under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Act, directed all the Cellular Mobile Service Providers, Unified Access Service Providers and Basic Service Providers under sub-paragraph (iv) of paragraph 8 in its Direction issued vide number F.No. 303-6/2006-QoS dated the 29th August, 2006, (hereinafter referred to as the said Direction) to terminate the service (a) within twenty four hours of the receipt of a request for termination of service made in writing; (b) within three working days of the receipt of a request for termination of service made through Fax or through e-mail ID registered with the service provider; and (c) within seven working days of the receipt of a request for termination of service made through Telephone call, SMS and e-mail and that the termination of service shall be subject to the return or recovery of the customer premises equipment, wherever applicable;

2. And whereas the Authority has, 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 Act, made the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009) vide F. No. 305-25/2008-QoS dated the 20th March, 2009 published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 23rd March 2009 (hereinafter referred to as the said regulations) which apply to all service providers

referred to in sub-regulation (3) of regulation 1 of the said regulations and, the said regulations *inter alia*, specify a uniform benchmark of maximum of seven days for the termination/ closure of service;

3. And whereas, the said regulations have come into force with effect from the 1st day of July, 2009;

4. Now therefore, in exercise of powers conferred upon it under section 13, 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 Authority hereby directs that, with effect from the 1st day of July, 2009, i.e., the date of coming into force of the Standards of Quality of Service of Basic Telephone Service (wireline) and Cellular Mobile Telephone Service Regulations, 2009 (7 of 2009), **sub-paragraph (iv) of paragraph 8 of the said Direction issued vide F.No. 303-6/2006-QoS dated the 29th August, 2006 shall be omitted.**

(M.C. Chaube)
Advisor (QoS)

To

All Access Service Providers (including Bharat Sanchar Nigam Ltd. and Mahanagar Telephone Nigam Ltd.)