

For Immediate Release

Telecom Regulatory Authority of India

TRAI releases Recommendations on “Complaints/ Grievance Redressal in the Telecom Sector”

New Delhi, 10th, March, 2017 – The Telecom Regulatory Authority of India (TRAI) has today issued its Recommendations on **“Complaints/ Grievance Redressal in the Telecom Sector”**

2. TRAI suo-moto issued a Consultation Paper on “Complaints/ Grievance Redressal in the Telecom Sector” on 28th July, 2016. The Authority, felt it appropriate to engage the stakeholders in a constructive dialogue with the objectives of improving the existing grievance redressal mechanism to make it feasible to address consumer complaints more efficiently and in a more cost effective manner making use of technology to the extent possible. The comments received from the stakeholders were placed on the TRAI’s website. Further, an Open House Discussion (OHD) with stakeholders was organized on 26th October 2016 at New Delhi.

3. After analyzing the responses received from the stakeholders, options available to consumers for grievance redressal, prevailing legal and regulatory framework, working of the existing grievance redressal mechanism etc, the Authority has come out with recommendations on “Complaints/ Grievance Redressal in the Telecom Sector”.

5. The salient features of the recommendations are as follows:

- a) There is a need for an independent and appropriately empowered structure to be created for resolution of grievances of telecom consumers. An Office of Telecom Ombudsman needs to be established.



- b) The Office of Telecom Ombudsman can be established under rules framed by the Central Government, similar to the institution of the insurance ombudsman under the Redress of Public Grievances Rules, 1998 (RPG Rules). Alternatively, the Government can choose to create the ombudsman office through a legislation to be passed by the Parliament.
- c) A three stage grievance redressal mechanism for telecom sector is proposed as follows:
- i. Resolution by Telecom Service Providers [TSPs]
 - ii. Resolution by Consumer Grievance Redressal Forum [CGRF]
 - iii. Determination by Telecom Ombudsman
- d) The consumer should in the first instance approach TSP to seek a solution. It will be the duty of the TSP to look into the request and address the consumer's concerns within the time frames stipulated by the Authority.
- e) In case the TSP fails to resolve the complaint in a manner that is satisfactory to the consumer; or does not provide a response; or fails to do so within the prescribed time lines laid down by TRAI, the customer will have the option to seek further redress through the new independent mechanism recommended by the Authority. This will consist of a process of a resolution based on fact finding by CGRF, followed by, if necessitated, determination by the Telecom Ombudsman.
- f) Only such complaints that relate to clearly identifiable and measurable rights vested with the individual subscriber flowing out of the contract of service with the TSP, Rules/Regulations/Requirements laid down by the Authority or the Licensor, which have a bearing on the relationship between the TSP and the individual consumer may qualify.

- g) CGRFs are proposed at Licensed Service Areas/State level by leveraging existing field formations of DoT like Public Grievance [PG] Cells, Telecom Enforcement, Resource and Monitoring Cells [TERM] Cells etc that already has a reasonable presence across the country. The CGRF shall be primarily responsible for settling the facts, facilitating mediation and will also offer a solution if the parties themselves cannot arrive at a settlement.
- h) Depending on the complexity, facts and circumstances of any particular case, CGRF may choose to seek assistance or guidance from other groups or institutions or independent experts who are well placed to represent consumer interests. This may include CAGs empanelled by TRAI, Central/State Government Departments, legal aid centers, National and State Consumer Helpline Centers, premier institutes in the field of law like National School of Law, and various other bodies that may be identified by the Central or the State Governments for this purpose.
- i) If not satisfied with the process at the level of CGRF, the consumer may choose to proceed for determination by the Ombudsman. Ombudsman will be required to act in accordance with the principles of natural justice. It will have the power to award compensation to the consumer, award costs and issue directions to the TSP for the performance of specific obligations. The decision of the Ombudsman will be final and binding on the parties.
- j) In order to function as an effective Body, the ombudsman should have the power to levy penalties on the TSPs.
- k) The ombudsman will have offices at national levels and sub-national levels covering each State.



- l) The new system should be based on technology-driven solutions that can provide redress remotely to consumers using their phones, Internet etc. TSPs will be required to maintain video calling or similar facilities at their local offices, which can be used by the consumer to interact with the CGRF or Ombudsman's office, in case it is required.
- m) A centralized web based system to be put in place which will allow flow of information from each level of the grievance redressal mechanism to the Ombudsman, thereby obviating the need for the same information to be provided again at various stages
- n) A portion of the existing, not in addition, license fee is recommended as the funding mechanism for the CGRF and Ombudsman. In addition to this fixed fee there will be a variable component payable by each TSP depending on the volume of complaints being filed against it and admitted before the Ombudsman's office.

3. Authority is making these recommendations to the Government out of its firm conviction that establishing an independent mechanism for grievance redressal would be a small, but gainful effort for all stakeholders of the Telecom Sector, especially at a time when the industry is playing a defining role in shaping the development of the country

The recommendations have been placed on TRAI's website www.trai.gov.in.

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