

## **TELECOMMUNICATION SERVICES**

### **Question: What is telecommunications? How is telecommunications regulated in India?**

The study and practice of conveying information via electronic methods is referred to as telecommunication. It is the most popular form of communication, particularly when using a phone or the Internet. It is supervised by the Telecom Regulations Authority of India (“TRAI”). The TRAI, which was founded on February 20, 1997, oversees the telecom sector. It was created to keep India's tariff rates consistent. The Telecom Regulations Authority of India Act, 1997, is the law that governs this industry. In order to protect consumers from fraud, the TRAI has implemented a number of measures. Mycall, Myspeed, and do not disturb (DND 2.0) were developed to encourage transparency and give consumers access to information about the real payments made by users to the operators. As of 2019, there are a total of 1183 million telephone connections in India. The sector is expected to grow further in future.

### **Question: What are the available grounds for consumers to file complaints with regard to telecommunications in India?**

The Consumer Protection Act, 2019 provides remedies to consumers for deficiency of service. There can be various grounds for complaints for deficiency of services in the telecom sector, but the most common ones include:

- (i) Poor connection services such as slow internet, patchy network coverage, and defective connection.
- (ii) Poor redressal services such as substandard customer service.
- (iii) Poor billing services such as excessive or incorrect billing.

### **Question: Where should the grievance redressal or complaint be filed?**

The consumer can register his complaint through various available mechanisms. These are provided below in a step-by-step manner-

<https://dot.gov.in/public-grievances>

(i) Reaching out to the service provider:

The main responsibility to address the concern of consumers relating to poor connection, redressal, and connection services rests with the service providers based on the licensing terms and conditions.

The TRAI came up with a two-tier grievance redressal mechanism that shall be set up by all the Telecom Service Providers. This two-tier mechanism is constituted in the following manner-

a. A Complaint Centre with a toll-free “Consumer Care Number” which will be responsible to address all the complaints received by them. The procedure for dealing with these complaints is that a unique docket number is given to every complaint, which is stored for a period of three years. This docket number, alongside the date and time of registration, and the time limit for resolution of complaints shall be communicated to the consumer through SMS. The time limit for resolving service disruption difficulties is within a period of 3 days, and all other queries within a maximum of 7 days.

In case the consumer is not satisfied with the complaint redressal at the Call Centre level, they can reach out to the Nodal Officer of the Service Provider. The problems relating to disruption of service shall be redressed within 3 days, and all other cases shall be dealt with within 10 days.

b. An Appellate Authority constituted of one or more persons to deal with grievances, that could be reached if a consumer is not satisfied with the redressal of his complaint, or his complaint remains unaddressed or no intimation of redressal of the complaint is received within the specified period. This body is called the Telecom Dispute Settlement and Appellate Authority (TDSAT). The time limit for filing an appeal in TDSAT is within three months from the disposal of complaints by the Nodal Officer. However, it remains at the discretion of the appellate authority to admit complaints beyond that period.

The tribunal also directs parties to go for mediation, which ensures cost and time saving for the parties involved. In any case, if the dispute is not resolved through mediation, the consumer can reapproach the tribunal through an advocate. The proceedings in the TDSAT are the same as in a court.

Moreover, the time limit for disposal of the appeal is within three months from the date of filing of the appeal.

Furthermore, the TRAI has also set provisions for rent rebates to consumers in cases of delay in the resolution of complaints. This is as follows-

- a) For more than 3 days and up to 7 days- rent rebate for 7 days
- b) For more than 7 days and up to 15 days- rent rebate for 15 days
- c) For more than 15 days- rent rebate for one month

*(ii) Approaching any other appropriate judicial or quasi-judicial body:*

The complainant is free to take the service provider to a court or any other suitable venue (judicial or quasi-judicial). The proceedings in consumer commissions are not mired by the niceties of procedure, allowing the complainant to file a complaint for himself. As a consumer, the aggrieved party can take the service provider to the appropriate consumer commission, based on the pecuniary and territorial jurisdiction. The jurisdictions of the various consumer commissions are as follows-

*a) District Commission:* The aggrieved consumer can reach out to the District Commission under section 34 of the CPA, 2019, which provides that the district commission shall entertain matters where the value of the goods or services paid as consideration does not exceed more than one crore rupees.

*b) State Commission:* In cases where the value of the goods or services paid as consideration is more than one crore, but less than 10 crores, the consumer can approach the State Commission. Moreover, in cases of unfair contracts, the State Commission has original jurisdiction and the consumer can be directly approached. An appeal against the order of the District Commission can also be made under section 47 of the CPA, 2019.

*c) National Commission:* The National Commission can entertain matters where the value of goods or services paid as consideration exceeds 10 crores. Section 58 also provides that complaints against unfair contracts can be entertained by NCDRC when the amount of value paid exceeds 10 crores. The NCDRC also has appellate jurisdiction against the orders of any State Commission and Central Authority.

Moreover, it must also be kept in mind that section 100 of the CPA, 2019 provides that the remedy under CPA is in addition and not in derogation of other available remedies.

Another remedy available to consumers is mediation. Chapter 5 of the Consumer Protection Act provides for establishing mediation cells and resolving consumer complaints using mediation. The following link could be used to file complaints online:

<https://consumerhelpline.gov.in/>

*(iv) Central Consumer Protection Authority*

If the commission finds violations of rights of consumers or in notice of trade practices which is unfair it can inquire or cause an inquiry, either on receipt of complaint or suo moto or as directed by Central Government. If the commission finds, after preliminary inquiry, of an existence of a prima facie case of consumer rights violation or it is in notice of any unfair trade practice or any wrong or inaccurate advertisement which is prejudicial to public interest or to the interests of the consumers, it can order an investigation by the District Collector or by Director General.

The consumer can complain to the District Collector of the respective district for investigation and subsequent proceedings by the CCPA. He/she/they can also submit a complaint via email, at [com-ccpa@nic.in](mailto:com-ccpa@nic.in).

**Question: What situations will formal consumer complaints not be accepted by an authority?**

There are various situations which might cause the complaint to be rejected. These include situations where the consumer is unable to file an appeal against an order within a period of three months, where the complaint is based on a frivolous cause of action, where the complaint falls

outside the jurisdiction of the authority approached, and when the complaint has been filed under wrong sections of the act, and other such situations.

**Question: Is there a national body for handling this consumer area? What body handles this area for India?**

The Telecom Regulatory Authority of India Act, 1997 establishes the Telecom Regulatory Authority of India (“TRAI”), which is the regulatory body for the telecom sector in India. Apart from the regulatory functions, the TRAI is also authorized to adjudicate upon issues relating to matters between the consumers and the service providers.

An advisory team of the strength of two members shall be constituted in each of the service areas by the service provider. This will comprise **one member from the consumer organization** registered with TRAI and another member from the service provider.

The following link can be accessed to read more on the TRAI:

<https://www.trai.gov.in/about-us/history>

**What are the legislations about telecom in India?**

1. The Telecom Regulatory Authority of India Act, 1997

[https://www.indiacode.nic.in/bitstream/123456789/1929/1/AA1997\\_24tele.pdf](https://www.indiacode.nic.in/bitstream/123456789/1929/1/AA1997_24tele.pdf)

2. Other relevant regulations:

<https://traigov.in/release-publication/regulations/amendments-page/93572>

**What are the landmark judgments on telecom law in India?**

***1. Vodafone Idea Cellular Ltd. v. Ajay Kumar Agarwal***

It was held that the additional remedy under the CPA is not excluded by the telegraph contracts which mandatorily have arbitration clauses.

## ***2. Idea Cellular Ltd. v. Angad Kumar***

In this case, it was held that the negligence on part of the service provider resulting in deficiency of service makes it liable.

**Question: What does a formal telecom/telecommunications complaint look like? Is there a format?**

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - DCDRC format.

<https://cdrc.gujarat.gov.in/images/pdf/1-CC-Eng.pdf> - SCDRC format.

<https://ncdrc.nic.in/cc.html> - NCDRC filing.

**Question: Are there any other materials I should look at? Are there more helpful links with more information?**

1. Department of Telecommunications Public Grievance: <https://dot.gov.in/public-grievances-0>
2. Telecom Regulatory Authority of India Complaint: <https://traf.gov.in/faqcategory/complaint>
3. Telecom Consumer Complaints Monitoring System: <https://tccms.traf.gov.in/>

## **Broadband and Internet FAQs**

1. What is Broadband?
  - Broadband refers to a connection that has the capacity to transmit large amounts of data at high speed.
2. What is always-on service? Will there be call charges?

- Always-on means that the ADSL broadband sets up a permanent connection to the internet, allowing access as soon as the computer and modem are switched on.
- 3. Even though broadband is not used frequently, still huge bills are received. What could be the reason?
  - Additional download of data beyond the permissible limit in the tariff package would attract additional charges.
- 4. How can a subscriber measure the download speed of his Broadband connection?
  - Customers can check the speed by clicking on the speed check icon on their website, generally displayed in Kbps (Kilo bits per second).
- 5. Complete a free online bandwidth test to determine your current Internet speed.
  - Various online sites offer free testing of current Internet connection speed, providing download and upload speeds.
- 6. What is rental rebate?
  - Rebate in rental is provided to subscribers when services are interrupted over a prolonged period due to departmental reasons.
    - 7-14 days interruption: Proportionate rental rebate.
    - 15-30 days interruption: 30 days rental rebate.
    - More than one month interruption: Pro-rata rental rebate.
  - For more information on Broadband, visit [TRAI FAQ on Broadband](#).

## **Telecom FAQs**

### **1. What are Telecommunication services?**

Telecom Services includes fixed line services, mobile connection and internet connection (wired and wireless both).

### **2. Who regulates the Telecom Sector?**

Telecom Regulatory Authority of India (TRAI) is committed to protect the interest of the consumers as mandated in the TRAI Act, 1997 .

3. What is mobile Services and what all does it include?

Mobile Services is a wireless communications network through radio wave or satellite transmissions used with an electronic telecommunications device.

4. SMS

Is a text messaging service component of mobile communication or phone for sending up to 160 characters.

5. MMS

Is a standard way to send messages that includes media content to and from mobile phones. It extends the core SMS capacity. It transmits graphics, video clips and sound files.

6. VAS

Is an enhanced service, which adds value to the core voice and text communication like call waiting, call forwarding, multi party call conferencing, hello tunes, horoscope, jokes etc. One has to bear an additional cost to avail such services.

7. What is the difference between prepaid and postpaid connection?

Prepaid is basically a payment method for mobile services which you pay in advance before using it whereas in post-paid you pay your bill after using the services.

8. Is it mandatory for operators to convey to post-paid subscribers all compulsory fixed charges?

Yes, all monthly fixed charges, which are compulsory under a given tariff plan are to be shown under one head, for clarity and comparison of different tariff plans on offer.

9. Can a service provider levy a charge for provision of hard copy of the bill?

No. TRAI has prohibited levy of charges for provision of hard copy of the bill to the post-paid subscribers.



10. Can a prepaid subscriber migrate to postpaid and vice-versa?

Yes, migration from pre-paid to post-paid and vice-versa is allowed without any migration charge and without having to change the mobile number.

11. Can a prepaid subscriber avail any of services even after his talk time is exhausted?

Services which do not affect talk time value, including incoming voice calls and SMS shall continue to be available to the prepaid subscribers during validity period even after talk time value has exhausted.

12. A prepaid subscriber feels that he is being overcharged. Can he get itemized usage details in respect of his mobile connection?

Yes, if a prepaid subscriber makes a request for itemized usage details The service provider may charge a reasonable cost not exceeding Rupees Fifty for providing such details.

13. Can the unused amount in recharge coupons be carried forward?

Yes, any unused balance in the prepaid account shall be carried forward and credited if the subscriber recharges within the period specified for the purpose.

14. Will keeping the modem on make any difference in the download limits?

Yes it can make some difference. When the PC and Modem are kept on, there is a trickling of packets from the Internet into the system, even though the PC is not connected to the Internet.

15. Can the wireless Internet connection be misused?

Yes, there is a possibility of the wireless Internet connection getting misused, particularly if the Internet access is provided through Wi-Fi. To avoid that one should use proper authentication methods by using secure password and username.

16. Is incoming SMS free while roaming?

Yes

17. What is meant by "lifetime" in respect of tariff schemes offering lifetime validity?

It means that tariff plans which are offered as having lifetime validity would continue to be available to the subscriber during the current license and renewed license of the service provider.

18. Is there a minimum validity period prescribed for tariff plans?

A tariff plan, once offered by a service provider, shall be available to a subscriber for a minimum period of Six months from the date of enrolment of the subscriber to that tariff plan.

19. Whether any charges have to be paid for migration from one plan to another?

No charges are payable by the subscriber for migration from one tariff plan to another tariff plan.

20. Are incoming calls free while roaming?

No. Incoming calls are free only when the subscriber is within his home network.

21. Whether any fixed charge / rental can be levied by the service provider for providing national roaming services?

No fixed charge / rental in any form is permitted for accessing national roaming services.

22. What is the time limit for redressal of complaints at the Call Centre of the service provider?

The Call Centre has to redress the complaints as per the provisions in the Quality of Service Regulation where no parameters are prescribed; complaints relating to faults/disruption of service have to be rectified within 3 days and all other complaints with 7 days..

23. What is mobile number portability ?

Mobile Number Portability (MNP) is a facility which allows you to move to another service provider while retaining your existing operator's mobile number

24. Can I switch over from CDMA service to GSM and vice versa ?

Yes .You can flexibly switch over from CDMA to GSM and vice versa. But you have to change the handset, because the technologies are different.

25. I am a customer of a service provider in Delhi, Can I switch over to another service provider in Chennai ?

Mobile Number Portability (MNP) is available at national level .

26. Is there any Fee for MNP?

The new service provider will charge a fee (Port in Fee) for MNP. Telecom Regulatory Authority of India (TRAI) has fixed a fee for this service . Is there any applying criteria for availing MNP facility . Yes, as per the following terms. If you are a post -paid customer there should not be any dues with your existing service provider. For prepaid customers the credit balance will not be carried forward. You can switch over to a new service provider only after 90 days stay with the existing service provider. You have to wait a minimum 90 days for second number porting. This is to prevent the misuse of this facility and prevent frequent switching.

27. I have changed my mind after submitting the application- Can I go back ?

Yes You can withdraw the application within 24 hrs of submission. However the Port fee will not be refunded.

28. How long will it take to switch over ?

After the application submission, it will take a maximum of four days. In J&K and North eastern states it is within 12 days.

29. Is there any downtime while porting the number ?

Yes- There will be a down time of approximately 2 hrs while porting the number. During this period you may not be able to use the number. Both incoming and outgoing services will be interrupted. The porting will be carried out between midnight and morning 5 O'clock, so that the two hours outage may not affect the subscriber considerably.

30. How does one Change the Service provider through Mobile Number Portability ?

The following procedures to be carried out for opting a new mobile service provider under MNP, Send an SMS (Port your mobile number) to 1900. Then you will get a reply SMS with a Unique Porting Code (UPC). Submit an application to the service provider where you want to shift with

this UPC in a prescribed format (Remember the UPC will be valid only for a few days). Your application will be processed by the new service provider and you will get an application receipt confirmation and the details of porting date. Once the porting is complete, a confirmation message will be received. For more information please visit [Frequently Asked Questions | Telecom Regulatory Authority of India](#)