

TECHNOLOGY SERVICES

1. What are technology services?

The technology services sector has witnessed an unprecedented surge in growth as a result of rapid digital transformation, along with an increasing reliance on technology. Due to this surge and initiatives like Digital India Initiative which aims to transform India into a digitally empowered society, the services, connectivity, efficiency etc. have definitely improved, but concerns like service disruptions and data privacy related ones have emerged, which present challenges that impact the overall experience of consumers.

2. What are the grounds for complaint available?

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 Technology sector, but the most common ones include:

- **Slow and unreliable systems:** If the systems are slow and unreliable, it leads to delays, errors, and lost data. This can affect the quality and efficiency of service delivery, as well as the customer experience and satisfaction.
- **Misleading Advertisements:** Instances of misrepresentation or misleading advertisements providing false expectations about technology services.
- **Inaccurate Information:** Provision of inaccurate information by service providers, creating confusion among users.
- **Lengthy Procedures:** Consumers experience long procedure in getting refund or even denial of refund.
- **Inadequate Protection:** Concerns about the insufficient protection of user data, leading to potential privacy breaches.
- **Unauthorized Access:** Instances of unauthorized access or data breaches compromising user privacy and confidentiality.

- Inefficient Responses: Consumers encounter subpar responses while enquiring on phones.
- Lack of Transparency: Absence of transparency in addressing and resolving customer concerns, leading to dissatisfaction.
- Inadequate Compensation: Inadequate compensation for service outages or data breaches, leaving consumers dissatisfied.

3. When complaints would not be accepted?

There are various situations which might cause the complaint to be rejected. These include:

- Limitation period: Consumers must file appeals against an order within the limitation period. Failure to do so can lead to the rejection of the appeal.
- Frivolous Complaints: Complaints deemed vexatious, frivolous, or lacking sufficient basis can be dismissed by the consumer commission.
- Jurisdictional Issues: Consumers must file complaints with the appropriate jurisdictional authority. If a complaint falls outside the jurisdiction of the chosen commission (e.g., District Commission for complaints under ₹1 crore), it will be rejected. Careful consideration of the complaint value and commission jurisdiction is crucial.
- Procedural Errors: Filing complaints under incorrect sections of the CPA or relevant sports/recreation regulations can lead to rejection.
- Evidence and Proof: Insufficient evidence or lack of proof to substantiate the allegations in the complaint can result in its dismissal.
- Concurrent Litigation: Filing the same complaint in another judicial forum (e.g., civil court) before approaching the consumer commission can lead to its rejection due to "lis pendens" (already pending litigation).
- Settlement or Arbitration: If the dispute has already been settled through mutual agreement or resolved through arbitration as per contractual terms, the consumer commission may not entertain the complaint.

Therefore, vigilance in adhering to procedural requirements and a careful reading of all acts and regulations is essential.

4. What needs to be done to get redressal of complaint/grievance and where should the complaint be filed?

The consumer must first initiate contact with the Service Provider's Customer Support for an initial resolution. This may involve reporting service disruptions, seeking clarification on terms and conditions, or addressing concerns related to data privacy. On unsatisfactory response the customer may take further steps such as:

1. Consumer Grievance Portals: Leveraging national consumer helplines and grievance redressal mechanisms like INGRAM for escalated complaints, when the initial contact with the service provider's customer support proves unsatisfactory. This portals serves as a centralized platforms where consumers can register their grievances, ensuring a more systematic and organized approach to complaint resolution.¹
2. Legal Recourse: When issues persist and are not adequately addressed through the initial customer support or grievance portal channels, consumers have the option to seek legal remedies. This involves approaching District, State, or National Consumer Commissions, depending on the jurisdiction and the value of the technology services in question. Typically, courts only interfere if the decision is illogical, suffers from procedural impropriety or shocks the conscience of the court.

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.

¹ <https://consumerhelpline.gov.in/about-portal.php>

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.

3. Mediation: Another remedy available to consumers is mediation. Mediation involves a neutral third party facilitating discussions between the consumer and the technology service provider to reach a mutually acceptable resolution. This approach often provides a quicker and less adversarial way to settle disputes, promoting a win-win situation. Chapter 5 of the Consumer Protection Act provides for establishing mediation cells and resolving consumer complaints using mediation.
4. 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.

5. Arbitration: Arbitration in India, regulated by the Arbitration and Conciliation Act of 1996, covers both civil and commercial disputes unless excluded by statute or judiciary. Technology services related disputes are eligible for arbitration.²

~ For a valid arbitration agreement, it must be in writing, commonly found in individual contracts or within governing body rules applicable to athletes upon membership. The Arbitration Act grants courts broad powers to provide interim relief during arbitral proceedings. This includes measures like securing the disputed amount or appointing a receiver. General principles for granting interim reliefs in India involve demonstrating a prima facie case, a balance of convenience, and the likelihood of irreparable injury if the relief is not granted.

5. What are the regulatory bodies in this sector?

1. Ministry of Electronics and Information Technology (MeitY): Oversees policies and regulations pertaining to the technology services sector.
2. Data Protection Authority (DPA): Responsible for monitoring and enforcing data protection regulations to safeguard consumer privacy.
3. Telecom Regulatory Authority of India (TRAI): Regulates telecommunication services, ensuring fair practices and standards.
4. Competition Commission of India (CCI): The CCI ensures fair competition in the market and prevents anti-competitive practices within the technology services sector. It investigates and takes action against any entity engaging in practices that may stifle competition, ultimately protecting consumer interests.
5. National Cyber Security Coordinator (NCSC): NCSC plays a pivotal role in formulating and implementing cybersecurity policies. It focuses on safeguarding critical information infrastructure and addressing cyber threats, ensuring the resilience of technology services

²<https://globalarbitrationreview.com/review/the-european-arbitration-review/2023/article/arbitration-in-technology-disputes>

against cyberattacks.

6. What are the rules, Acts, and Guidelines that govern this sector?

1. Information Technology Act, 2000: Governs electronic commerce and addresses cybercrime concerns.
2. Personal Data Protection Bill, 2019: Addresses comprehensive data protection and privacy concerns, ensuring a balance between innovation and safeguarding consumer rights.
3. Telecom Regulatory Authority of India Act, 1997: Governs telecommunications services and establishes regulations for the industry.

7. What are the landmark judgements in this sector?

1. A customer was dissatisfied with the services of reliance communications, and wanted to move to a third operator. While he cleared all the bills, he alleged that Reliance Communications showed the amount as outstanding and did not let him port out. They also disconnected one of his numbers, he said in his complaint to the Commission. The Thane District Consumer Disputes Redressal Commission has directed Reliance Communications Limited and one of its galleries to pay Rs 35,000 to a consumer for creating hurdles.³
2. This case involved issues related to the abrupt shutdown of Reliance Communications' services, affecting consumers' prepaid balances and services. TRAI directed Reliance Communications to refund the unspent balance to consumers. It raised questions about the responsibilities of technology service providers during service discontinuation and the rights of consumers to

compensation.⁴

3. Ram Gopal vs. Paytm: Consequently, the commission found Paytm liable for their inadequate services, causing mental distress to the consumer, and violating the agreed terms. Furthermore, the commission noted that despite the complainant's follow-up, Paytm failed to reimburse the amount promptly. This case highlighted the importance of robust security measures and the liability of technology service providers in protecting consumer funds and sensitive information.⁵
4. Internet And Mobile Association of India v. Reserve Bank Of India: The RBI's circular that prohibited banks from providing services related to virtual currencies was challenged by the IAMAI. The case revolved around the regulatory framework for cryptocurrencies and the impact on technology services providers dealing with digital assets. It was held that the guidelines issued by the Reserve Bank of India, directing the banks to stop dealing or providing services to the entities trading in virtual currencies are illegal hence unenforceable.⁶
5. Puttaswamy vs. Union of India (Right to Privacy Case): This case is not directly related, but has deep implications for data protection and privacy. The right to privacy was recognised as a fundamental right, which had an impact on how technology services collect and handle user data.⁷
6. Karmanya Singh Sareen & Anr v Union of India & Ors: Several legal challenges were raised against WhatsApp's updated privacy policy, which raised concerns about user data sharing with its parent company, Facebook. The importance of transparent privacy policies and user consent in technology services is underscored.⁸
7. Reliance Jio Infocomm Ltd. vs. Cellular Operators Association of India (COAI): Involved disputes between Reliance Jio and other telecom operators regarding points of interconnection, and emphasised the importance of seamless connectivity in the telecommunications and technology services ecosystem.

8. What is the format of the complaint to be made under this sector?

<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 format.

What is Aadhaar?

Aadhaar is a project from the government of India under which the residents of this country will be given a unique identification number (UID). The Aadhaar number is a 12-digit unique number for every single individual whose uniqueness is determined through biometric (fingerprints, iris scan, photograph) and demographic (residential address) details of the individuals.

Which is the regulatory body for Aadhaar?

The Unique Identification Authority of India (UIDAI) is the regulatory body for Aadhaar.

Who is eligible for Aadhaar?

Any resident of this country including infants can enrol for Aadhaar. Even NRIs and foreign citizens residing in India can also enrol for Aadhaar.

Is Aadhaar a smart card?

As per the UIDAI facts, Aadhaar is not a card rather it is a number which is unique for every beneficiary.

Is it compulsory/mandatory to enroll for Aadhaar?

Aadhaar is not a compulsory scheme but a voluntary-based scheme and anyone can enroll for Aadhaar. Recently Aadhaar card has become compulsory for certain utilities like LPG, CGHS, Railways etc.

What is the fee charged for enrolling for Aadhaar?

No fee is charged at any stage under this scheme. Aadhaar is free for everyone and no fee will be charged at any time in the future as well.

How can I enroll for Aadhaar?

Visit any authorised Aadhaar enrolment centre nearby with some documents of your identity and address proof where you will need to fill up the Aadhaar enrolment form and give your biometric and demographic details. After which you will get an acknowledgement slip which will be used to track your Aadhaar status. This completes the process of getting your Aadhaar number; the rest is up to UIDAI which will send you your Aadhaar letter after some time.

What are the documents required for Aadhaar enrolment?

You need to bring Proof of Identity (PoI) and Proof of Address (PoA) documents at the enrolment centre.

I have enrolled for Aadhaar now. How can I track my Aadhaar status?

It is possible to track your Aadhaar status online. For this, you need to have the Enrolment No. and Date-Time with you which were provided to you at the time of enrolment/registration in the form of an acknowledgment slip. Both fields of the form are mandatory, and you must ensure that you insert the fields in the correct format which is shown just below the input field box. Besides these, you must enter the image-text shown on the page in the third field. After filling all the entries, click on the "Check Status" button.

Where can I contact for any query or complaint?

You can contact UIDAI through any of the following means:

- **Telephone Number:** 1800-300-1947 (Toll-free)
- **Fax:** 080-2353 1947
- **Mailing Address:** PO Box 1947, GPO Bangalore-560001
- **Email Address:** help@uidai.gov.in and aadhaarcad@in.com

What is the use of Aadhaar Number?

Your Aadhaar Number will serve as the single source for your identification that can be used in various services like ticket booking, opening of bank accounts, transfer of welfare payments, etc. Aadhaar will help the poor and needy people into the proper banking system, give them a chance to get benefits from the services provided by the government and the private sector. It will provide migrants with mobility of identity.

What are the areas where an Aadhaar card is compulsory?

- Sr. Citizens in Railway reservation
- CGHS card holders
- LPG subsidy
- Direct bank transfers

- School admission in Delhi
- Pension life certificate

How can the information on an Aadhaar Card be updated?

For updating information on Aadhaar card please visit <https://resident.uidai.net.in/check-aadhaar-status>.

How can complaints related to Aadhaar Card be redressed?

Residents can contact Helpline number: 1800 3001947, FAX 080-23531947 or send a letter to P.O. Box number 1947, Bengaluru - 560 001 or E-mail - help@uidai.gov.in. Also, residents can visit <https://resident.uidai.net.in/check-aadhaar-status> to check the status of Aadhaar Card.

Digital Wallet FAQs -

What are mobile wallets?

These are mobile-based virtual wallets wherein you can store your money after registering with a service provider, to make online and offline payments to merchants associated with the said service provider. Mobile Wallets are also called mWallet, eWallet or digital wallet.

Which are the major mobile wallets in India?

Several online wallet services have emerged in the young emerging mobile wallet market of India. The more famous ones are Paytm, MobiKwik, Freecharge, PayU and Oxigen. Currently, Paytm has a chunk of market share in the number of registered users and volume of transactions via the service provider.

