

Regulatory Provisions in Telecommunication

**Made by: Ms. Kavita Kamboj
Assistant Professor
Department of Commerce
SRCC**

**TELECOM
REGULATORY
AUTHORITY OF INDIA**

INTRODUCTION

The entry of private service providers brought with it the inevitable need for independent regulation. The Telecom Regulatory Authority of India (TRAI) was, thus, established with effect from 20th February 1997 by an Act of Parliament, called the Telecom Regulatory Authority of India Act, 1997, to regulate telecom services, including fixation/revision of tariffs for telecom services which were earlier vested in the Central Government.

TRAI's mission is to create and nurture conditions for growth of telecommunications in the country.

One of the main objectives of TRAI is to provide a fair and transparent policy environment which promotes a level playing field and facilitates fair competition.

The TRAI Act was amended by an ordinance, effective from 24 January 2000, establishing a Telecommunications Dispute Settlement and Appellate Tribunal (TDSAT) to take over the adjudicatory and disputes functions from TRAI. TDSAT was set up to adjudicate any dispute between a licensor and a licensee, between two or more service providers, between a service provider and a group of consumers, and to hear and dispose of appeals against any direction, decision or order of TRAI.

Major activities

The various powers and functions of TRAI (Telecommunication Regulatory Authority of India) are -

- To recommend the timing and need for the introduction of a service provider that is new.
- To ensure successful inter-connection and technical compatibility between various service providers
- To suggest the conditions and terms on which license would be provided to a service provider and ensure that they are being followed.
- To suggest license revocation when there is non-compliance of conditions and terms of the license.
- To promote efficiency and encourage competition in the telecommunication operation services.
- To protect the consumers interest.
- To make an inspection of the various equipments that are being used in the network.
- To recommend the kind of equipments that the service providers must use.
- To monitor the service quality, and also conduct survey periodically of the service that is being provided by the service providers.
- To settlement of disputes that arise between service providers.
- To give advice to the government at the center on subjects that are connected with the development of the telecommunication technology.
- To charge fees at rates that may be fixed by regulations.
- To perform functions that the central government may entrust, and also carry out functions that are necessary according to the TRAI Act, 1997.

THE TELECOM CONSUMERS
COMPLAINT REDRESSAL REGULATIONS,
2012

In order to streamline the process of grievance redressal mechanism by the service providers, TRAI has issued "Telecom Complaint Redressal Regulations 2012". According to this regulation all Telecom Service Providers should set up following two tier grievance redressal mechanism. The highlights of the new regulations are -

(i) Establishment of a Complaint Centre with a toll-free "Customer Care Number" - The Complaint Centre will be responsible to address all the complaints received by them. Provisions have also to be made at the complaint centre to establish a Customer Care Number which could be accessed from any other service provider's network.

Every complaint at the Complaint Center shall be registered by giving a unique docket number, which will remain in the system for at least three months. The docket number along with date and time of registration and the time limit for resolution of the complaint would be communicated to the consumer through SMS. The customer shall also be informed of the action taken through SMS.

If the complainant is not satisfied with the redressal, he can contact the NODAL OFFICER of the service provider. The time period for redressal is within 3 days of the registration.

- **(ii) Establishment of an Appellate Authority** - Every service provider shall appoint a appellate authority consisting one or more persons to deal with grievances, 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, he can approach the Appellate Authority for redressal of his complaints.
- Every service provider shall constitute a two member **Advisory Committee** in each of the service areas. This will comprise of one member from the consumer organization registered with TRAI and another member from the service provider.

MOBILE NUMBER PORTABILITY

It means the facility which allows a subscriber to retain his mobile number when he moves from one service provider to another. A subscriber needs to-

- Contact Recipient Operator(RO) to whom he wants to port his mobile number.
- Obtain Customer Acquisition Form(CAF) & Porting Form from the R.O.
- Read the eligibility, permissible grounds for rejection of porting requests and other conditions carefully.
- Obtain 'Unique Porting Code' (UPC) from Donor operator by sending SMS from the mobile number to be ported to 1900 with the text 'PORT' followed by the 10 digit mobile number.
- The UPC is valid for 15 days for all areas except J&K , NA and Assam service areas where it is valid for 30 days.
- The charges for mobile portability are 19 rupees.

UNSOLICITED COMMERCIAL COMMUNICATION

Unsolicited commercial communication is any commercial communication which subscriber opts not to receive but does not include-

- Any transaction message-These are messages which are sent to your customer to pass on information necessary for using your product or service. Eg- OTP, banks.
- Any message transmitted on the directions of the Central or State government.

Separate number series starting with **140** for telemarketers voice calls is there to facilitate easy identification.

Double filtering process ensures proper filtering of UCC calls and SMS so that a customer who has not opted for these doesn't receive them.

In case a customer receives UCC, he may make a complaint through voice call or SMS to toll free code **1909**. On registration of the complaint a Unique Complaint Number will be communicated by the operator and the action will be taken within 7 days.

Value added services

A value-added service (VAS) is a term used in telecommunications to describe non-core features.

The service provider cannot provide any chargeable value added service without the explicit consent of the consumer. Every service provider at least **3** days before the due date of renewal of a service, inform the customer through SMS - the due date, the charges for the renewal and toll free number for unsubscribing .

If there is insufficient balance in the account of a customer at the time of renewal of subscription, the service provider should send a request through SMS to the customer to indicate his consent for continuing the services and inform that the charges shall be deducted from the subsequent recharge.

Trai mobile apps

On 06 June 2017, TRAI launched three new apps and a web portal to ensure that the Indian users are fully aware of the telecom services that are being offered to them.

MyCall app, MySpeed app and 'Do not disturb (DND 2.0)' apps are now going to educate and ensure that there is transparency - between what consumers are actually paying for and what telecom operators are promising to provide at a certain rate.

Thank you