

HEARTY WELCOME TO YOU ALL



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About Consumers' Protection Association

- Established in 1984 i.e. before the Consumer Protection Act was passed
- Was consulted in making the landmark Consumer Protection Act 1986
- Represented consumers interest in the CCPC, BIS, TAC
 - Presently a member of CAG registered with the TRAI
- Organised Seminars/Workshops on Consumer Issues, notables are:
National Seminar on Quality of Telecom Services & Role of TRAI (2006)
National Consumer Convention (New Delhi 2007)
- Free consumer guidance through website www.indianconsumers.org
- Recipient of 3 (three) National Awards on Consumer Protection

- ✍ 1885 Indian Telegraph Act
- ✍ 1959 Post and Telegraph Board
- ✍ 1985 Department of Telecommunication
- ✍ 1989 Telecom Commission
- ✍ 1990 – 1995 Govt. of India/Telecom Commission set up committees
- ✍ 1994 National Telecom Policy
- ✍ 1997 National Telecom Policy

- ✍ 1997 TRAI Act . Authority assumed office
- ✍ 2000 TRAI (Amendment) Act, TDSAT starts functioning
- ✍ 2007 Telecom Consumers Protection & Redressal of Grievances Regulation
- ✍ 2009 Hon'ble Supreme Court has said consumer courts cannot entertain telephone disputes.

- **TRAI is listening through Consumer Advocacy Groups**
- **TDSAT, DOT and above all Hon'ble Supreme Court are also listening the consumers**

This will take us a long way in protecting consumers interests.

TRAI Regulation 2007

Telecom Consumers Protection & Redressal of Grievances Regulation 2007

- TRAI has made the commendable Regulation.
- Call Centres, Nodal Officer and Appellate Authority are required to adjudicate consumer disputes within a fixed time limit.
- But the Nodal officer and Appellate Authority are not visible, their contact no and postal address and email address are not supplied.
- Even the local office is practicing secrecy.
- Appellate Authority is also in house. This is against the rule of natural justice.
- A company cannot be the judge of a case against itself.
- Appellate Authority should be independent like the Banking Ombudsman & Electricity Ombudsman.

TRAI is not adjudicating consumers disputes

1. TRAI can use the tool of direction to pay punitive Damage or deterrent compensation for violation of Regulation
2. Service Providers may file appeal in the TDSAT, if aggrieved
3. TRAI may entertain individual complaint not for adjudication but for greater purpose i.e. to investigate as to whether there has been any violation/non compliance by the service provider and if so to impose heavy penalty.

TDSAT may entertain complaints:

1. From registered consumer association
2. From Individual consumer
3. Without any fees

On behalf of the Indian consumers

Let me plead before Our Regulators,
Government, Judiciary

- To be creative
- To change the attitude
- To amend the TRAI Act if required

TRAI DOES NOT entertain consumer complaints as:

- Three stage grievance redressal mechanism viz. Call Centre, Nodal Officer and appellate authority has been provided for under the Regulation 2007
- Consumers could approach consumer court at any point of time.

In GM Telecom v M Krishnan, CA No 7687 of 2004 Hon'ble SUPREME COURT on 1st Sept, 2009 has held,

“there is a special remedy provided in Section 7-B of the Indian Telegraph Act regarding disputes in respect of telephone bills, then the remedy under the Consumer Protection Act is by implication barred.” this ex parte judgment did not consider The provisions of TRAI Act, earlier judgments on CP Act Indian Consumers want: The judgment should be reviewed early

Fees of Rs 5000/- is to be exempted

in case of appeal filed by a consumer/consumer association.

In the present fee regime TRAI, TDSAT and Legal Services Authorities should give legal aid to the appellant consumer/consumer association.

Internet Service Providers Association Cable Operators Federation of India Cellular Operators Association of India Association of UTSP of India Cable Operators Association of India VSAT services Association of India.

Have approached the TDSAT because they can Consumer cannot reach TDSAT. Why?

PLIGHT OF TELECOM CONSUMERS

- After the Hon'ble Supreme Court judgment, Disputes of the telecom consumers are not adjudicated by consumer court.
- Grievances of the Telecom A Consumers are not heard by the TDSAT
- Philosophy & policy of the Constitution, TRAI Act, CP Act to protect the little citizen against the giants are overlooked
- Consumer Courts shall have no power, Arbitrators will adjudicate
- but there shall be no Arbitrator in all the Districts
- This is not justice to the Indian Telecom Consumers

Indian Regulators & Policy makers shall overcome

- Despite opposition we got the landmark C P Act.
- Despite opposition PSUs & Professional Services have been brought within the purview of C P Act.
- Now a telecom consumer has no right to approach consumer court/ the TDSAT although our constitution guarantees justice to a little a citizen.

Policy makers to be convinced that interests of a little Telecom Consumer will be protected in the TDSAT if he/she has A right to approach the TDSAT & Consumer Courts, and if a consumer/consumer organisation is Exempted from fees in filing a complaint and an appeal.

- Thanks to the TDSAT and all the policy makers and stake holders for hearing the case of the Indian consumers.
- 21st century is going to be the century of India.
- Our policy makers and regulators have been proved to be the best in the world during the world recession period of 2008.
- Without real justice to the local consumers & citizens, International role of India shall remain a dream.
- We trust that our Regulators and Policy makers and judiciary shall continue to hear all stake holders to protect the consumers interests by creating speedy and inexpensive Disputes redressal mechanism.



THANK YOU

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