



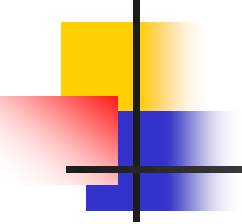
# CONSUMER RIGHTS UNDER TRAI ACT, 1997

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**TDSAT SEMINAR, BOMBAY**

**25<sup>TH</sup> SEPTEMBER, 2004**

**RAMJI SRINIVASAN**



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**Consumer Rights under**  
**Telecom Regulatory Authority of**  
**India Act, 1997**  
**&**  
**Consumer Protection Act, 1986**  
**- a Background Analysis**

# TRAI ACT, 1997

## Preamble

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### **Establishment of TRAI and TDSAT:**

- to regulate telecom services
- protect interest of consumers
- promote orderly growth of telecom sector

### **TDSAT:**

- adjudicate disputes
- dispose of appeals



# Functions of TRAI

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**Special emphasis on Consumers:**

- **Recommendations for development of telecom technology**
- **Lay down standards of quality of service by service providers**
- **Conduct periodical surveys of services provided to consumers**
- **Facilitate competition & promote efficiency in the operation of Telecom services**



# TDSAT

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- Adjudicates upon dispute between a group of consumers and telecom service providers.
- Does not adjudicate upon :
  - individual consumer complaints
  - unfair trade practices under MRTP Act
  - disputes under Sec. 7B of Indian Telegraph Act.



# Consumer Protection Act, 1986

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- **To provide for better protection of the consumers and establishment of:**
  - **District Forum (less than Rs. 20 Lacs)**
  - **State Commissions (between Rs. 20 Lacs-1 Crore)**
  - **National Commission (more than Rs. 1 Crore)**
- **for settlement of consumer disputes**



# Who can file a complaint in a Consumer Forum?

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## **Sec 2(b) :**

- **Consumers or group of consumers having similar interests**
- **Voluntary Consumer Associations**
- **Central or State Government**
- **Legal heir or representative of a deceased consumer**



# TDSAT & Consumer Courts

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- **TDSAT has been established to deal with disputes between a group of consumers and a service provider**
- **TDSAT is a Specialised Tribunal - Special Act**
- **Consumer Court is a General Fora - Earlier Act**





# TRAI's Recommendation on Ombudsman

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- To deal with individual consumer complaints
- Facilitate an intra-sector arrangement for efficient response to consumer complaints
- Appointment by a licensor under a license agreement
- Recommendation silent on Finality, Enforceability and Appeals from Ombudsman

All those who have had  
complaints against your  
Service Provider  
**RAISE YOUR HANDS !!**



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Q & A  
FOLLOWS

THANK YOU



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