

## **Subject- consumer Affairs and customer care**

### **Topics for Today's Class (21/04/2020)**

- **Grievance Redressal Mechanism in Telecom Services Sector**
- **Insurance:- Insurance Regulatory and Development Authority of India**
  - **How to make a complaint**
  - **The Process**
  - **Integrated Grievance Management System**
  - **The Insurance Ombudsman scheme**

### **Grievance Redressal Mechanism in Telecom Services Sector**

(a) The primary responsibility of addressing the service related, billing, quality of service grievances lies with telecom service provider, which emanates from licensing terms and conditions. As per licensing conditions

**“Any dispute, with regard to the provision of SERVICE shall be a matter only between the aggrieved party and the LICENSEE, who shall duly notify this to all before providing the SERVICE. And in no case the LICENSOR shall bear any liability or responsibility in the matter. The Licensee shall keep the Licensor indemnified for all claims, cost, charges or damages in the matter.”**

(b) In order to streamline the process of grievance redressal mechanism by the service providers, TRAI has issued “Telecom Complaint Redressal Regulations 2012”. The complete details of the Telecom Consumer Complaint Redressal Regulations, 2012 are available on TRAI website.

(c) According to this regulation all Telecom Service Providers should set up following two tier grievance redressal mechanism. This replaces the earlier regulations issued by TRAI in 2007. The highlights of the new regulations are: -

**(i) Establishment of a Complaint Centre with a toll-free “Consumer 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.

(ii) 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.**

(iii) **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.**

(iv) **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. All appeals of the consumers will be put up before the Advisory Committee, which will advise on all such appeals to the Appellate Authority. **Individual time-lines have been provided for each stage of processing the appeals.**

(d) Accordingly all complainants have to approach to their service providers for redressal of their grievances through **“Two Tier Institutionalized Grievances Redressal Mechanism”** of the **concerned Service Provider** established by it under Telecom Consumer Complaint Redressal Regulations, 2012 (1 of 2012) of TRAI issued on 05th January 2012 and amendments thereto.

(e) In case complainant is not satisfied with the decision taken by service provider or delay in redressal of grievance at any point of time /stage in the above process,

the complainant is free to approach an appropriate court of law/ any other appropriate forum (judicial / quasi - judicial) against the service provider in view of Para 1(a) above

### **Grievances relating to unsolicited commercial Calls (UCC):**

#### **(a) UCC Regulations**

In order to regulate the commercial calls and protect consumer from unsolicited commercial calls and messages (UCC), TRAI has notified "The Telecom Commercial Communication Customer Preference Regulations, 2018". The provisions of regulations have come into force from 19th July, 2018.

#### **(b) Brief procedure for blocking UCC**

**(a)** Customers (landline and mobile) who do not want to receive commercial communications can dial or SMS to 1909 (toll free) and register in either of the two categories:

**Fully Blocked Category-** stoppage of all commercial Calls/SMS

**Partially Blocked Category-** stoppage of all commercial Calls/SMS except SMS from one of the opted preferences.

**(b)** For registering option using SMS, for '**fully blocked category**', write "**START 0**" and send it to 1909. For '**partially blocked category**', send SMS 'START' with one or multiple options from the list of seven categories. That means by selecting on one or more of the seven preferences a customer would be able to receive the commercial communication from the selected option(s).

The seven preferences to choose from are: Banking / Insurance / Financial Products / Credit Cards-1, Real Estate-2, Education-3, Health-4, Consumer goods and automobiles-5, Communication/ Broadcasting / Entertainment / IT-6, Tourism-7.

(c) On successful registration, customer will receive an SMS confirming exercised options and a Unique Registration Number within 24 hrs. The registration will be effective within 7 days of placing the request with the service provider. The customers can check the status of their registration by clicking on "**Customer Registration Status**".

Customer can also change the preferences after three months of registration or the last change of preference.

(i) If customer receives UCC even after 7 days of registration, he can register a complaint with his service provider within 3 days of receipt of such UCC by dialing or sending SMS to 1909. Customers will have to provide the telephone number or header of the message from where the call or message has been received, short description of such call or message along with the date of receipt of call or message.

(ii) For complaint through SMS, customer has to send SMS "**the unsolicited commercial communication, XXXXXXXXXXXX, dd/mm/yy**" to 1909. Where XXXXXXXXXXXX is the telephone number or header of the SMS, from which the UCC has originated. The telephone number or header and the date of receipt of the unsolicited commercial SMS may be appended with such SMS, while forwarding to 1909, with or without space after comma.

(iii) Service Provider will take action on complaint and inform the complainant within 7 days of lodging of complaint. Customers may check registration status of his complaint through the link "**UCC Complaint Registration Status**".

(iv) In case of unresolved complaint/grievance from service providers, complainant can approach TRAI for resolution of his grievance. As per above mentioned TRAI Regulation, TRAI is competent to take action against the concerned service providers for the violations; under section 21 and 22 of the said Regulations.

## **Insurance:- Insurance Regulatory and Development Authority of India**

### **How to make a complaint**

If you are unhappy with your insurance company

- Approach the Grievance Redressal Officer of its branch or any other office that you deal with. [Click here](#) for mail ids of Grievance Redressal Officers, GRO, of all insurance companies
- Give your complaint in writing along with the necessary support documents
- Take a written acknowledgement of your complaint with the date.

The insurance company should resolve your complaint within a reasonable time.

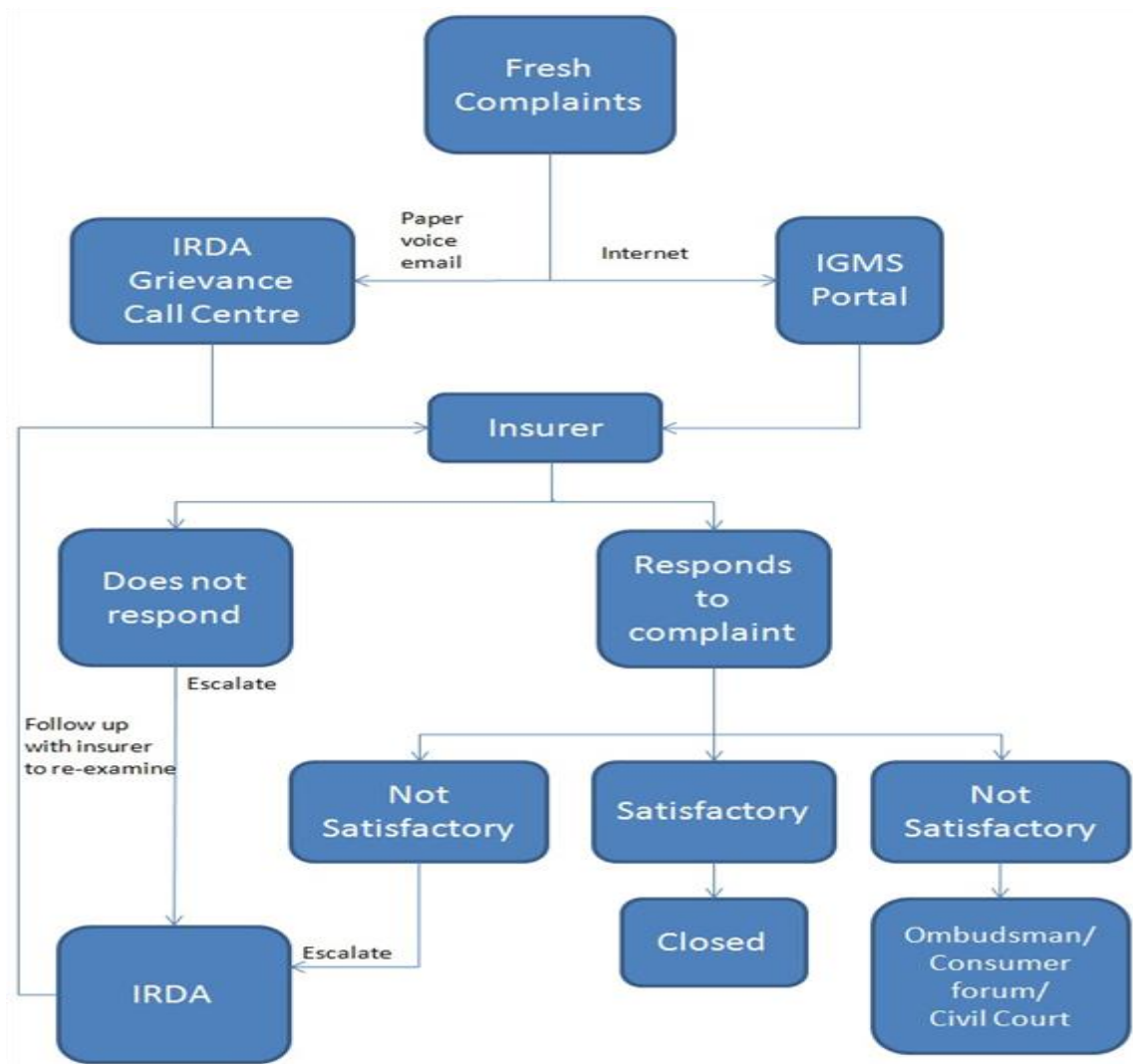
- In case if it is not resolved within 15 days or if you are unhappy with their resolution you can approach the Grievance Redressal Cell of the Consumer Affairs Department of IRDAI:
  - Call Toll Free Number **155255 (or) 1800 4254 732** or
  - Send an e-mail to [complaints@irda.gov.in](mailto:complaints@irda.gov.in)
  - Make use of IRDAI's online portal - Integrated Grievance Management System (IGMS):
    - Register and monitor your complaint at [igms.irda.gov.in](http://igms.irda.gov.in)
- Send a letter to IRDAI with your complaint

## The Process

If your insurance company does not resolve your complaint to your satisfaction you can escalate your complaint to IRDAI. IRDAI will take it up with the insurance company concerned and shall facilitate re-examination of the complaint and resolution by the insurance company.

□ If your complaint falls within the purview of the Insurance Ombudsman, as per the Ombudsman Rule, 2017, you may take up the complaint with the Insurance Ombudsman concerned.

□ For disputes where enquiry or adjudication are required you should approach the appropriate Legal Forum.



## **Integrated Grievance Management System**

IRDAI has launched the **Integrated Grievance Management System (IGMS)** in the year 2010. Apart from creating a central repository of industry-wide insurance grievance data, IGMS is a grievance redress monitoring tool for IRDAI. Policyholders who have grievances should register their complaints with the Grievance Redress Channel of the Insurance Company first. If policyholders are not able to access the insurance company directly for any reason, IGMS provides a gateway to register complaints with insurance companies.

Complaints shall be registered with insurance companies first and only if need be, be escalated them to IRDAI (Consumer Affairs Department). IGMS is a comprehensive solution which not only has the ability to provide a centralised and online access to the policyholder but complete access and control to IRDAI for monitoring market conduct issues of which policyholder grievances are the main indicators. IGMS has the ability to classify different complaint types based on pre-defined rules. The system has the ability to assign, store and track unique complaint IDs. It also sends intimations to various stakeholders as required, within the workflow. The system has defined target Turnaround Times (TATs) and measures the actual TATs on all complaints. IGMS sets up alerts for pending tasks nearing the laid down Turnaround Time. The system automatically triggers activities at the appropriate time through rule based workflows.

A complaint registered through IGMS will flow to the insurer's system as well as the IRDAI repository. Updating of status will be mirrored in the IRDAI system.

Thus IGMS provides a standard platform to all insurers to resolve policyholder grievances and provides IRDAI with a tool to monitor the effectiveness of the grievance redress system of insurers.

## **The Insurance Ombudsman scheme**

The Insurance Ombudsman scheme was created by the Government of India for individual policyholders to have their complaints settled out of the courts system in a cost-effective, efficient and impartial way.

There are at present 17 Insurance Ombudsman in different locations and any person who has a grievance against an insurer, may himself or through his legal heirs, nominee or assignee, make a complaint in writing to the Insurance ombudsman within whose territorial jurisdiction the branch or office of the insurer complained against or the residential address or place of residence of the complainant is located.

### **You can approach the Ombudsman with complaint if:**

- You have first approached your insurance company with the complaint and
  - They have rejected it
  - Not resolved it to your satisfaction or
  - Not responded to it at all for 30 days
- Your complaint pertains to any policy you have taken in your capacity as an individual and
- The value of the claim including expenses claimed is not above Rs 30 lakhs.

### **Your complaint to the Ombudsman can be about:**

- a) Delay in settlement of claims, beyond the time specified in the regulations, framed under the IRDAI Act, 1999.
- b) Any partial or total repudiation of claims by the Life insurer, General insurer or the Health insurer.
- c) Any dispute about premium paid or payable in terms of insurance policy
- d) Misrepresentation of policy terms and conditions at any time in the policy document or policy contract.
- e) Legal construction of insurance policies in so far as the dispute relates to claim.



- f) Policy servicing related grievances against insurers and their agents and intermediaries.
- g) Issuance of life insurance policy, general insurance policy including health insurance policy which is not in conformity with the proposal form submitted by the proposer.
- h) Non issuance of insurance policy after receipt of premium in life insurance and general insurance including health insurance and
- i) Any other matter resulting from the violation of provisions of the Insurance Act, 1938 or the regulations, circulars, guidelines or instructions issued by the IRDAI from time to time or the terms and conditions of the policy contract, in so far as they relate to issues mentioned at clauses (a) to (f)

### **The settlement process**

#### **Recommendation:**

The Ombudsman will act as mediator and

- Arrive at a fair recommendation based on the facts of the dispute
- If you accept this as a full and final settlement, the Ombudsman will inform the company which should comply with the terms in 15 days

#### **Award:**

- If a settlement by recommendation does not work, the Ombudsman will:
  - § Pass an award within 3 months of receiving all the requirements from the complainant and which will be binding on the insurance company

#### **Once the Award is passed**

- The Insurer shall comply with the award within 30 days of the receipt of award and intimate the compliance of the same to the Ombudsman.