

Telecom Consumer Redressal Regulatory Frameworks in India and Other Countries: Significance, Comparison and a Regulatory Perspective.

Ms. Mugdha Mujumdar^a, Dr. Sandeep Prabhu^b

^{a*,b} Symbiosis International (Deemed) University, Pune, Maharashtra, India

***Corresponding author:** ^amujumdarmugdha@gmail.com

Abstract

Purpose

The purpose of this paper is to present a cross-country qualitative comparative analysis of dispute resolution telecom regulatory frameworks of selected countries with that of India. Adopting an institutionalism approach, this paper contributes to understanding of how institutional frameworks in these countries are structured as compared to that in India so as to ensure how functioning of dispute resolution functions and redressal of the grievances of individual consumers; and proposing a framework to provide needs of dispute resolution

Design

Design/Methodology – The study is based on literature review of research papers, secondary research and documents published by the regulators of the selected countries. The research methodology used is qualitative comparative analysis case-based research of selected countries. The variables for comparison have been sourced from the pwc report for evaluating redressal of grievances of individual consumers in telecom arena. The researcher has adopted qualitative research method to bring about the resemblance in addition to the range in the dispute resolution regulatory system of the selected countries in comparison with India.

Originality of work/Value- The paper furthers the understanding of the fine practices in the design of dispute resolution telecom regulatory framework. It brings out the resemblances and variety in these frameworks. And, prominently, it shows limitations that the Indian telecom regulatory framework has.

Finding

This research study proposes a three stage regulatory model that is uniform and can be adopted for telecom dispute resolution by any nation. This research stresses that in the Indian telecom market, there is an immense need for independent third party to resolve individual disputes in the telecom sector to ensure a healthy regulatory environment.

Scope of study- This study will be useful to public policy makers, academicians, researchers, telecom regulators and policy makers, telecom consumers in society and think tanks..

Keywords: Telecom policy, Dispute resolution, Consumer Redressal, Customer Complaints, Customer satisfaction in telecom.

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1. Introduction

The telecom sector across the globe has undergone radical changes in the last two decades because of increasing liberalization and globalization, the high pace of technological progression, and increased consumer expectations. This led to complicated problems in the telecom sector. Various efforts have been made in policymaking, regulation, and complaint redressal system; however, it is always challenging for policymakers to match pace with rapidly changing technology scenarios. Convergence between technologies, information, communication, and entertainment has given a new dimension to this sector. The expanded telecom environment has given rise to disputes followed by a dispute resolution framework so that the telecom sector's growth will be ensured. Technology and fierce competition not only shape the market but also dominate policy and regulatory initiatives. Many reforms and regulations came to support the technological shift, attract investments, and enable fairness. With Technology's progress, loopholes in technologies are widened, and technology convergence adds complexity to disputes. Fierce competition, price wars of incumbents, and multiple services have led to growing complexity in the sector and consumer complaints. Such disputes, when kept unanswered for a longer time, hinder the growth of the industry. Thus, the resolution of complaints in quick, transparent, and manifest way is the need in the sector, and finding the most efficient way of resolving complaints in the sectors is a challenge. There is no uniform framework or system that guarantees the resolution of complaints in a certain expected way. In most of the countries, the common method of complaint resolution processes through regulatory arbitration method. Some countries in Europe, North America, and Asia have telecom regulatory bodies dealing with complaints. The procedures of complaint redressal differ among countries and are specific for each country. In these countries increasing focus is on Alternative Dispute Resolution (ADR), which helps to solve complaints efficiently. For countries like India, Denmark and Malaysia, sector-specific tribunals have responsibility. Few selected countries like UK, France, and Germany, Denmark, USA, Canada, Australia, Malaysia, and India present well-established complaint resolution systems.

Effective redressal of consumer complaint is vital as it safeguards consumer protection and helps in this sector's growth. Telecom Regulatory Authority of India (TRAI) has laid down the standard framework for service providers to handle consumer complaints. Among one billion subscribers base and over ten million complaints registered every quarter; this research provides insights on comparing consumer dispute resolution regulatory systems of four selected countries vis-a-vis India.

2. Literature Review

Purpose of Literature review is twofold 1) to provide overview of effect of worldwide telecommunication on regulations and policies of the sector. 2) To draw out implications in this arena for policy research and regulations.

The research papers reviewed can be classified in different themes as following;

2.1 Telecom International Scenario

The year 1998 is considered as the landmark year in the telecom world in terms of reforming processes and as transformational year in the global scenario because of three major events of market liberalization; WTO agreement on telecom services, European Union policy of full liberalization, and US Telecom Act 1996 which led to liberalized local processes. Besides, many countries have maintained decisive steps of liberalization in the same year. Canada inclined to follow US liberalization footsteps. In developing, countries reform issues have different dimensions adding complexity. However, for establishing an effective reform, restructuring in terms of political, structural changes, technological progression is required. Whenever issues in regulations are resolved, regulatory systems are strengthened which avoid repetition of similar issues in future (William H. Melody, 1999). This comparative study of telecom regulatory structures of different countries including India revealed intricacies of regulatory structures adopted and evolved in different countries, over the time. During liberalization Indian telecom market faced difficult situations because of lack of proper regulations. Malaysia has imposed very transparent regulatory and political environment, while Brazil has a high level of regulatory transparency important factors contributing to consumer rights are setting an ombudsman in the regulatory framework (Hallur & Sane, 2018).

2.2 Challenges, Hurdles in the Regulatory Environment in Telecom

There exist many challenges, issues face by regulators and policymakers. Dispute resolution is an important objective in telecom policy and regulation. Many times, old business models are replaced by new business models, some policies are changed/ modified, these changes many times leads to further disputes as new regulations and its implication clashes with long-established regimes (Kumar, Adlakaha, & Mukherjee, 2018). Unsuccessful resolution of disputes impacts negatively on the growth of the sector. Speedy, efficient

resolution of disputes can reduce the digital divide. The common types of disputes are disputes related to liberalization, investment and trade disputes, interconnection disputes and consumer disputes. Technological progression and convergence are adding complex dimension to disputes. Checking the cost of dispute resolution is a very important aspect of dispute resolution system (Darr, 2019). Many disputes together form a thick network of disputes, so categorization helps like pricing, licensing, policy issues. Resolving disputes in a speedy, transparent, efficient manner is expected for better customer experience (Bruce, Macmillan, Ellam, Intven, & Miedema, 2004). Healthy dispute resolution environment leads to the growth of the sector. Alternative Dispute Resolution method is important for a country like Australia where tribunals follow ADR processes mandatorily. Slowly but steadily Australia is improving regulatory environment by using online dispute resolution (Sourdin & Liyanage, 2012).

2.3. Global Regulatory Circumstances in the ICT Sector

2.3.1 Analysis of Canada

Due to fierce competition in telecom in Canada, many regulations are emerging. Many times, because of clash of services and no proper regulation, new consumer issues arise. This study throws light on various models to find industry ombudsman. The study conducted by Lawford suggests that the mandatory ombudsman is the best solution and all telecom players must participate. Ombudsman is a non-profit independent entity whose funding is shared by participating service providers. In 2005 a major review of telecom policies and regulations by Canada government was undertaken. Role of ombudsman in the new regulatory framework was investigated in detail. An ombudsman is an independent entity who analyses consumers' grievances or complaints. So, in a nutshell, an ombudsman is an entity where consumer lies at the center. Canadian telecom landscape has changed and there is a shift of monopoly regulated telecom market to the deregulated competitive market throws light on recommendation regarding ombudsman implementation such as ombudsman should have mandatory participation from all service providers, the ombudsman should try to mediate in resolve disputes. The ombudsman should have the power to order explanation or apology from the service provider; ombudsman scheme should be reviewed after every five years (Lawford, 2005).

2.3.2 Analysis of Australia and China

A study was conducted on a comparative approach to regulate internet services in Australia and China, with set objective to discover the regulatory components influencing internet access. Both China and Australia do not possess jurisdiction to US service providers. There is no tough competition in the market in both Australia and China. There was a need for independent body in china for a fair and transparent environment. Internet service is governed by ICT policies of the country, and telecom infrastructure available for the use. Internet is a striking instrument for economic and social development of the country. Australia and China are no exception to this aspect and are active participants in the use of the internet as a vehicle for the economic development to f the country. Fundamental factors of internet access are regulatory systems in each country, and regulatory systems are connected to government's policies of telecom which ultimately depend on market conditions. China's telecom sector and internet access are governed by telecom regulations. Internet sector of China is regulated by two main regulations, one of which is interim regulation so the international interconnection of the computer network. China introduced competition in the telecom sector in 1994 but did not open market for liberalization however Australia was convinced for FDI, but government has played the role for insistent on Australian ownership of carriers. There is a need for independent tribunal in china for the fair transparent healthy competitive market. Regulator has a central role in the implementation of policies (Fan, 2005). In Australia, both privatization and liberalization forces are acting to balance market forces and growth of the sector. Universal service policy in Australia has social goals like the affordability of service and reaches ability of service. (McElhinney, 2001). To study the current market situation and regulatory environment of China, their institutional conflicts, competition rule and Sector Specific Regulations (SSR) are outlined. Asymmetric nature of the regulatory obligations in the telecom sector is advantageous only for the leading telecom players. Conflicts between Competition norm and SSR are a major challenge for service supplier to fulfill all the regulatory aspects. Liberalized telecom sector in China has three major forces: market mechanism, SSR and competition rules; however, the scholar is doubtful of the implementation of new competition rules in China (Gupta, 2017). The conflict between sector-specific regulation and competition rule is less important but the question arises whether these two instruments compete or complement. Study discusses two regulatory approaches EU and US. It has been suggested that China should apply US approach as it is a useful tool and examines Chinese circumstances. There should be a balance between market force and SSR. EU approach is a competing strategy and US approach is the complementary approach (Gasmi & Virto, 2010).

2.3.3 Analysis of China and India

The comparison of decision-making processes in telecom markets of China and India also indicates fundamental factors affecting decision making and difference in both models. Developing countries like India and China have faced similar circumstances and challenges when they modernized and developed their telecom infrastructures. In developing countries like China, telecom policy formation process has the background of political engagement activities, public policy making processes and government-specific legal systems. In India, like western countries, deregulation process started due to insufficient investment funds available for the sector and continuous unachieved development goals (Jayakar, 2012). Effective Redressal of grievance of consumers lies at the core for good governance. Consumer grievance Redressal is a tool which provides feedback for effectiveness of that organizational system. Establishment of internet-based centralized public grievances redress and monitoring system (CPGRAMS) by Government of India is to provide resolution of grievances to all citizens. Citizen or consumer charter is a tool and a good way of governance. It is to strengthen consumers/citizens so that they can ask for committed attributes of service. The fundamental objective of citizens' charter is to make public services demand-driven and consumer-centric instead a of supply-driven. In governance like other stakeholders, consumers or civil society has a certain role to play (Mitteilungen, 2011). Privatization and liberalization are acting forces in telecom which are improving services to consumers and bringing pricing down to reasonable pricing of services. The study concludes that fulfilling universal telecom service is important policy objective. Internet access is evaluated by telecom infrastructure as well as affordability of internet services by the service provider which are related to government policies (Nandamuri, Rao, & Mishra, 2020). Chinese liberalized telecom segment has three main acting forces sector-specific regulation, market mechanism, and competition rule. Competition rule and sector specific rule may or may not have practical relevance however either the two instruments compete or complement each other. The border line which exists between SSR (Sector-specific Rules) and competition rule is never translucent. EU approach chooses competition strategy while the US chooses a complementary approach. So, study suggests China should use US approach however the EU approach is more beneficial in the Chinese context (Hou, 2015).

2.3.4 Analysis of China and Korea

In China and Korea, there is a penetration of multi screen availability and broadband, which has given rise to more video consumption through over the top (OTT) services. For OTT services, Netflix is a leading entity, and it has spread its wings in Asian market aggressively. China has 90% cable TV consumers and 10% IPTV consumers, so China has boosted digitization of TV industry. Viewers or Consumers in China and Korea are sensitive to price. Japanese consumer behavior is different than Chinese or Korean consumer in understanding content and price. Japanese consumers understand that content is valuable and should be purchased while Korean and Chinese customers are price sensitive (Roy & Upadhyay, 2017).

2.4 Global Circumstances in Telecom Policy Reforms

In early days in most of the countries policies were formed considering that the government had the monopoly over telecom services. Policymakers considered telecom as a vehicle of economic development and not merely as public utility service. Technological progress, changes made in competitive structure of the world economy and financial needs and requirements transformed the policies in the telecom sector. Fast pace changes in countries and variations in policies have led to need of laying a common ground in global market.

2.4.1 Analysis of Developing Countries

In developing countries, Policies witnessed a significant transformation from the British ruled India to independent India. Before independence time, policies were formed according to needs of native people. After independence, the focus of the policies shifted to self-sustaining development and Fabian socialism, which lead to the slow telecom growth of the sector. More IT growth brings more internet access, e-commerce, e-governance, and rural development; however, rural areas are deprived of technology. At the ending of the year 2007, the Indian telecom market is the third largest in the world, crossing 250 million subscriber bases which have also crossed target set by NTP 1999 and TRAI recommendations. India achieved this growth, but it is lacking in infrastructure (Subramanian, 2008). The convergence of Technology and business makes drastic changes in the industry. Considerable growth in the telecom sector will influence market development as well as technology. Convergence gives rise to the need of proper licensing; licensing fee and it is a challenge for policymakers as convergence adds complexity and policymakers have to consider different dimensions (R. Kathuria, 2000). It is presumed that the policy making process is a continuous process where previous obstacles are detangled by new policies (Willia H Melody, 2011). Gradually, telecom sector grew in developing countries. It is nexus in nature and dynamic in its character. In the old scenario, telecom sector requirements were fulfilled by government. Researcher throws light on fundamental telecom services in India, analyses its perforation and

pinpoints universal access issues. Further, it discusses shifts from a tariff system to competitive pricing method (Piyush Jain and Varadharajan SRIDHAR, 2003). The changes in the policies and changes at the backdrop of policies, also influence the telecom industry. Telecom enhancement norms in India gave entry to private players however there was no privatization of public service providers at that point of time. Liberalization of telecom market is considered as a milestone (Malik, 2008).

2.4.1 Analysis Sweden and Korea

Khayyat carried out research of global scenario of broadband penetration and telecom policies in the Sweden and South Korea. It explains the broadband market's, its overall sketch in both countries. It considers government technological policy aiming to compare policies which is about scattering broadband in two money-making countries, Sweden, and South Korea. Sweden has the highest broadband rate in Europe i.e. 100Mbps while South Korea has the highest number of access to broadband services in terms of subscriber base. The sphere of government broadband strategy revolves around the centers of raising reliance in IT, increased use of IT, increased accessibility to IT services and it gives responsibility at the same time on the government to build robust digital infrastructure and increase investments in the education field (Khayyat, 2017).

2.4.2 Analysis of Australia

One of the interesting aspects in the telecom sector in Australia is telecom law for telecom service providers to restore their metadata for two years. Telecom data can be collected from phone tapping and conversation however metadata do not possess content. Metadata retention is a government strategy in Australia to fight back terrorism and for anti-crime. Regulatory changes were needed to enhance and increase the telecom service provider's capacity

France, Israel, and Germany do not permit the use of metadata for anti-terrorism. So, this is a challenge for policymakers to design and evolve policies as per different convergence requirements. While reviewing and updating policies related to metadata, the purpose of metadata should be strictly confined to what is expected to achieve and is acceptable to those it applies (Sarre, 2017).

2.4.3 Analysis of India, Kenya, and Europe

Any legal system is extremely slow in terms of adapting changes due to economic and technological convergence. Countries are considering different convergence questions and challenges in different ways. India, Kenya, and European member states have selected flexible approach for regulating convergence (Kurbalija, 2016).

2.4.4 Analysis of other countries

The complaint interactions related to interconnection, jurisdiction, consumer grievances, transparent processes, quality of service, technological neutrality, spectrum management, standards, norms, regulations and their compatibility, licensing regimes and its adherence with Universal service obligation have impacted on telecom liberalized sector. Further new challenges have appeared like progress in technology followed by more need for robust policies and regulations in the sector. In most of the countries, the role of the regulator in the telecom sector has two main functions of protecting consumers' interest, promote a healthy competitive environment in the sector and complying with disputes that happen in the sector (Roy & Upadhyay, 2017).

2.4.5 Analysis of Australia, Canada, and UK

There are lacunae in regulatory systems such as very lengthy, time-consuming processes. Countries like Australia, Canada have very advanced practices to shorten and simplify processes. Australia insists on a resolution of issues or grievances in time-bound manner before they get converted to disputes. There are well-defined procedures to be used by OFCOM (office of communication) for resolution in the UK. ADR is a regular option for courts in the US. ADR has started to change people's viewpoint about conflict and the way it is resolved. This method is boon for courts as it lessens caseloads on the courts (Prasad, 2010). There is another popular method that came up in Australia - Online Dispute Resolution (ODR). Many disputes resolution processes use ADT techniques for resolution in Australia. Australia has lots of experimental works in the AI (Artificial intelligence), bringing AI in ODR. Efficient application of ODR is seen in international forums as well as in the government sector (Rautdesai et al., 2019).

2.4.6 Analysis of US, UK, Brazil, Australia, Japan, India

In all the countries like US, UK, Brazil, Australia, Policy designing, and policy implementation are different tasks. Among five countries the US, Japan and Brazil have their consumer protection agencies which are

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governed and funded by the government. TRAI has recommended Ombudsman in India from 2004 but it is pending since then (Hallur, 2010).

2.4.7 Analysis of Asian Countries

Growth of ICT sector in Asian content is worth noticing. India, Japan, and China are major players in the Asian continent. China started using the Internet with email use in 1987 and achieved the highest number of internet subscribers in the world (Sourdin & Liyanage, 2012).

2.4.8 Analysis of Europe

European civil justice organizations critically analyze all alternatives for dispute resolution to discover innovative and new solutions and skeletons for resolving disputes. It encloses comparative analysis of justice organizations like alternative dispute resolution systems and regulatory Redressal systems. ADRS is continuously evolving in Europe. Study is carried out for how ADR norms are implemented, measuring trust levels in Ombudsman, drivers of trust, and links between ADR and Justice. Leiden University Netherlands have published study for dispute resolution however some basic issues related to national consumer dispute resolution (CDR) are unaddressed. Fashion, in which national CDR's are designed, varies significantly. Belgium has aggressively implemented consumer mediation service. Denmark follows Norwegian style mediation function. Netherlands has a particularly good system and is debating quality v/s effectiveness of CDR. In the UK, ADR is considered and treated as a market with different ADR and Ombudsman. Scotland aims to have one single consumer ombudsman. In Portugal, CDR's is localized in big cities (Misra et al., 2017).

Tools like arbitration and mediation should be used more and more for a smooth dispute resolution process. Such replica is already functioning in Norway, Netherlands, and UK Ombudsmen and it has been induced in Denmark and Irish Financial services ombudsman. About trust factor in Ombudsman German retired judges have pointed that trust is on individual Ombudsman and independence of this Ombudsman is a crucial attribute for building trust (S. Kathuria et al., 2020). French Ombudsman addresses several factors responsible for building an ombudsman's trust such as swift way of decision-making, independence, transparency, neutrality, and avoiding technical language. Private Ombudsman has insisted on maintaining integrity, transparency in decision making of Ombudsman (Steffek & Verhage, 2016).

2.5 Customer Churn and Customer Satisfaction in Telecom

The sector is expanding its wings, making sector competitive and churn prone at the same time. Telecom churn affects the finances of operators in terms of loss of revenue and loss of investments from the customer. Revenue can be increased by increasing the number of subscribers, increasing the tariffs, and increasing the revenue per customer (Roy & Upadhyay, 2017). Usage of more VAS services and not using much call services reflects a strong possibility of churn and user moves into the dormant stage. Geetha and Kumari highlight here the link between customer churn behavior and the need for effective customer grievance redressal system by service providers, concluding the higher price calls within network and outside networks also indicate churn behavior. The use of the VAS services and the absence of core service usage leads customers to dormant stage and customer churn probability in the future (Geetha & Abitha Kumari, 2012). New factors influencing churn behavior are service usage levels, loyalty points and call quality. Newly discovered factors are membership card programs and customer status, handsets' functional capability (Ahn, Han, & Lee, 2006). A study of Chinese buyer behavior was carried out to test the correlation between loyalty in Chinese telecom services, quality of the services provided and client satisfaction by the combinative model Service quality influence perception of image and value. Customers' loyalty relies upon a sense of value and their satisfaction level. The customer value directly or indirectly affects the customer loyalty. The market of China is rapidly growing, whereas the market of US is saturated. There exists customer loyalty model and it determines interconnections among quality of service, image perception, value perception, loyalty and satisfaction (Izogo, 2016). The pressure on managers in the telecom companies by the competition, deregulation and advancement in ICT sector enforced incumbents to provide continuous quality and client-focused services. In other words, the competitive environment in the telecom sector leads to the client satisfaction (Agyapong, 2011). The investigative study is carried out on collaborative effects of six antecedents vis: churn cost, customer value, and Telecom Service Provider's (TSP) image with cell phone customer's loyalty, customer trust and reliability, perceived service quality and satisfaction of telecom customer as well as comparison of the individual effects. Perceived service quality of telecom and its service value is positively associated with customer loyalty, although a weak impact was observed on overall client loyalty. The corporate image and trust do not have any significant impact on customer churn (Sarangi et al., 2019). Nonetheless, the assets used to improve the value and service quality help Telecom service provider (TSP) by increasing the client perception of service and improves the satisfaction level of the customer there is a multi-perspective model to examine the perceived customer loyalty, customer satisfaction

and value of a customer for the internet subscribers. The perceived value positively influences the customers' technical and functional satisfaction as well as the customer loyalty. The functional satisfaction influences technical satisfaction leading to positive loyalty (Akroush & Mahadin, 2019). The business's financial success depends upon the customer loyalty, which further affects purchase frequency, market share, and premium-priced handset. The loyal customers develop strong attachment to a particular brand (S. Kathuria et al., 2020). The customer satisfaction develops a strong attachment to brand and trust addresses the customer need. If the customer has trust issues, then purchase choice is related to switching and profit linked to staying (Nguyen et al., 2020). The Telecom sector has the low switching cost and a small differentiation in services. The corporate image expresses the key driver of loyalty (Kaur & Soch, 2018). A complete survey was made to analyze performance of TSPs about the network performance, provision of services, availability, reliability, billing performance, grievance handling services and the value-added services. The study indicates the Airtel's performance, their client satisfaction services including grievance redressal and concerning helping services are better than BSNL in almost all telecom service categories mobile and broadband (Upadhyaya & Sharma, 2012).

2.6. Literature Occurrences Based on 6 Keywords on Scopus Database

Literature occurrences are studied on 6 identified keywords. VosViewer bibliographic analysis software is used for identifying relationships between these 6 keywords. The analysis (Figure 1) indicates connections between the keywords. Two important clusters are emerged; the Cluster 1 has three items: dispute resolution, information technology, and laws and legislation. Cluster 2 also has three items: competition, customer satisfaction, and telecommunication industry.



Figure 1. Relevance of Keywords from Scopus Database. Software used: VosViewer

VosViewer software is used for bibliographic analysis. Bibliographic analysis throws light on research areas, the citation network and the paper content among other things.

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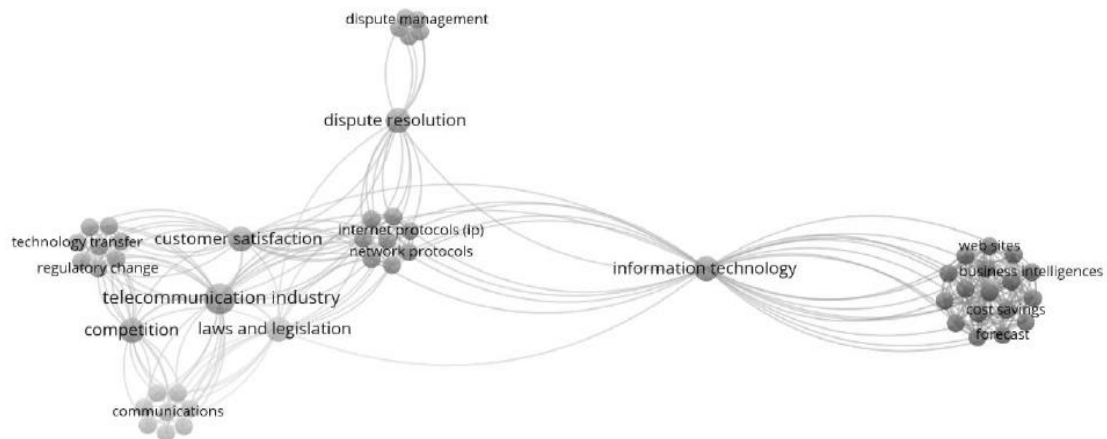


Figure 2. Occurrences of Related Literature on Scopus Database Using Keywords. Software used: VosViewer

2.7 Research gaps

Every country follows complex telecom regulatory structure. There are lot of complications in telecom regulatory norms, and rules. And hence there is need of common ground and uniformity to undermine complexities. Every telecom dispute resolution structure and regulation has lot of intricacies. There should be a uniform telecom dispute resolution framework which will be less complex and less time consuming which can be adopted by any country. This research tries to fulfill this research gap.

2.7.1 Selection of the countries and variables for comparison:

Thus, the cluster of countries selected can be summarized a

Australia and UK: suggest oldest reputable regulatory practices in ICT Regulation:

Singapore and India- These countries have one of the largest telecom markets. And South Korea is characterized as one of the world's most active *telecommunications and* Information Technology (IT) *markets* with well-built support from the government.

3. Research Methodology

Cross country comparative analysis focuses on different parameters for measuring dispute resolution framework efficacy. Here, efforts have been made to highlight best practices in dispute resolution structure in specified countries and so a comparative qualitative research method is used. Comparative analysis here is in tabular form and different parameters are designed for comparison. Grounds for comparison are attributes like Initial complaint handling process, Alternate Dispute Resolution (ADR), and Funding. These three attributes have sub attributes again under main attribute. Comparative analysis helps to gauge overall performance of frameworks. This comparative analysis examines and contrasts structures and procedures in different countries to know specific functioning patterns of dispute resolution structure. In a nutshell, Comparative qualitative analysis of different mechanisms dispute resolution in telecom with different characteristics and analyses these mechanisms' operating procedures.

4. Discussion

4.1 Consumer Dispute Resolution Framework in India

In present scenario, India has two tier mechanism of telecom consumer redressing.

TRAI does not have any control over resolution method; time is taken for resolution, and quality of response that consumers get in terms of transparency of the redressal procedure (TRAI, 2016).

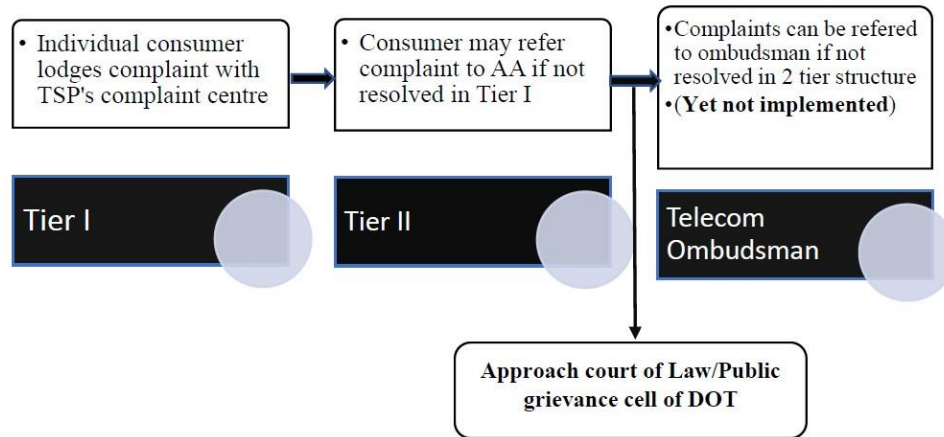


Figure 3. Indian Complaint Resolution Framework

4.2 Consumer Dispute Resolution Framework in Other Selected Countries

4.2.1 Australia

Australia has one of the mature and competitive telecom markets across the globe. Mobile subscribers increased from year 2014 to mid of 2019. Australia is the country having highest mobile speed than fixed speed. In Australia telecom services used to be on monopoly basis by government agency in 1901 to 1975. In 1975 responsibilities were assigned to new entity Australian Telecom Commission (Telecom). In 1988 Australian Telecom Authority (AUSTEL) was established to protect carriers and consumers from unfair practices as independent regulators. In 1990 monopoly of standard helpline telephone ended and in 1991 duopoly is established. In 1992 Telecom and OTC merged to form new entity, Telstra. In 1993 Vodafone entered this market. In 1994 new standards and regimes were established. As a first act of liberalization in 1996 (when US passed the telecom Act 1996 which opened the local market for competition), similar trend was followed by many countries like Australia. In Australia, the telecom Act 1997 came into force. currently; Australia's economy is getting dependent on digital technology and connectivity.

Table 1. Digital Transformation in Australia

Sr No	Wave	Digital Development	Year
1	Wave 1	Change (Desktop computing, Internet, search engines).	1990-2000
2	Wave 2	Connectivity (High-speed broadband, smart phones, laptops, tablets, social media, IoT, Cloud storage).	2000-2010
3	Wave 3	Business Applications (AI and Machine learning, Robotics, Virtual and advanced reality)	2010-to present

Australia is ahead on mobile speeds, but it lacks in fixed broadband speed. Cyber security risks are getting increased as Australians use more interconnected digital systems. Coverage across the country is a challenge in Australia. Mobile network coverage, quality, and selecting providers are issues in parts of rural and remote Australia. Australia seems to be well-positioned for embracing 5G Technology early than other countries; however, rolling out 5G networks may give rise to cost and planning, security hurdles. The quality of service varies according to user groups creating socio-economic inequality.

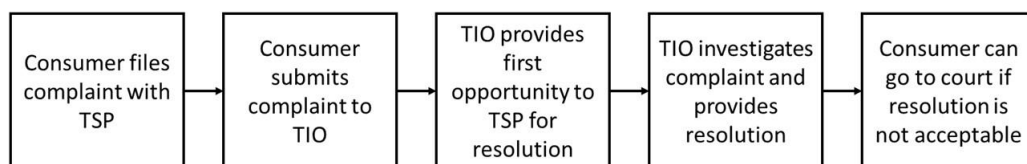


Figure 4. Telecom Dispute Resolution framework in Australia

The Australian Communications and Media Authority (ACMA) regulate the telecommunication companies in Australia. The ACMA vigils compliance with redress and complaints handling processes, but it is not directly

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involved in these processes itself. Service providers are mandated to have internal complaints handling mechanism, in line with the standard.

Telecommunications Industry Ombudsman (TIO) in Australia facilitates an independent dispute resolution service for pending complaints through a service provider's complaints handling processes. TIO was established in 1993 to resolve disputes in the telecommunications industry. Unresolved complaints are processed through the multi-level system.

Step 1: The matter once filed with TIO, is initially referred to the service provider again.

Step2: If the service provider does not achieve resolution, TIO conciliates and facilitates a solution between consumer and service provider.

Step 3: At this step, the investigation takes place and a fair resolution has arrived

Step 4: Complaint is further investigated. The investigations follow from a level three investigation where the complaint was not resolved. Also, complex disputes or claims of higher amount are investigated at this stage.

4.2.1.Funding mechanism

The TIO service is free to consumers and is funded by participating service providers. (PwC, 2018).

4.2.2 Germany

Germany is one of the largest telecom markets with huge penetration in broadband and mobile services. German telecom market got liberalized for voice in 1998. There are challenges in front of telecom industry of Germany those are effective regulations and monetary planning required for running networks for increased mobile traffic. The regulator conducted multi spectrum auction in mid-2019.



Figure 5. Telecom Dispute Resolution framework in Germany.

In Germany, the Federal Network Agency (FNA; also called the Bundesnetzagentur) is the regulatory authority for the telecommunications. There exists Consumer Arbitration Board which is a mediation body to resolve consumer-level disputes.

Initially consumer approaches the service provider but if the complaint is not resolved, the claim is for breaching of the right granted under the German Act. Then the consumer can approach the arbitration board. Here only mediation is offered, and the body cannot impose financial penalties.

4.2.3.Funding mechanism

The FNA is funded by Germany's government. The FNA's dispute resolution services are provided free of charge for all parties(PwC, 2018)

4.3.3 United Kingdom (UK)

Telecom industry was one of the first industries to be liberalized and privatized in UK. In 2019, Household internet use is 87% while Smartphone subscribers 79%. Use of mobile is increased while use of landline is decreased. Trend shows that volume of text messages continues to fall.UK telecom sector contributes significant part in economy. The government passed Universal Service Obligation (USO) in 2018 to address rural coverage issues. Improved rural access remains challenge for policymakers .Telecom act 1981 separated telecom services from postal services, then government liberalized telecom market from its monopoly of services. Duopoly was introduced in UK fixed network services by 1984 telecom act. Office of telecom (Ofcom) was created. Deregulation and privatization of telecom sector in UK sharpened operator's focus towards business growth and financial accountability.

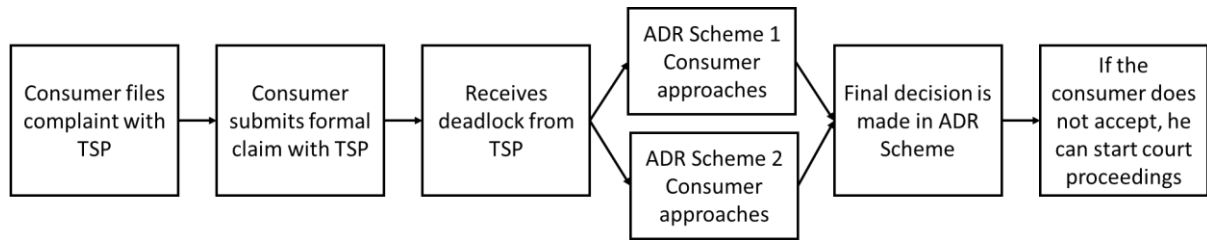


Figure 6. Telecom Dispute Resolution framework in UK.

The Office of Communications (Ofcom) is an independent regulating agency for the UK communications industries. It has formed a general set of conditions for service providers to maintain procedures and handle consumer complaints and dispute resolution. The complaint handling process further gives access to alternate dispute resolution (ADR). The regulator also gives the ADR schemes minimum standards.

There are currently two ADR schemes in the telecom industry *i.e.* Ombudsman Services and the Communications and Internet Services Adjudication Scheme.

4.3.4. Funding mechanism

The ADR schemes are funded by the service providers that are part of the scheme. Complaint fee is charged for the provider. Consumers are required not to pay a fee for a complaint (PwC, 2018).

4.3.4 Singapore

Singapore is international telecom hub with developed network and developed regulatory environment. Singapore has been working to establish itself as a ‘Smart Nation’, deploying data analytics and smart infrastructure in its society and economy. Singapore market witnessed strong growth in mobile broadband penetration for past five years however, currently development is slowed down as the market is saturated. The market dominated by three operators SingTel, Star Hub, and M1. As Singapore's mobile market continues its expansion, the numbers of fixed broadband accesses and data services are increasing significantly. Singapore has established what is widely seen as a high quality and highly developed telecommunications regulatory regime that has yielded in a competitive market. In 2016, telecom regulatory landscape in Singapore changed as restructuring happened to form Info-Communication Media Development Authority of Singapore (IMDA).

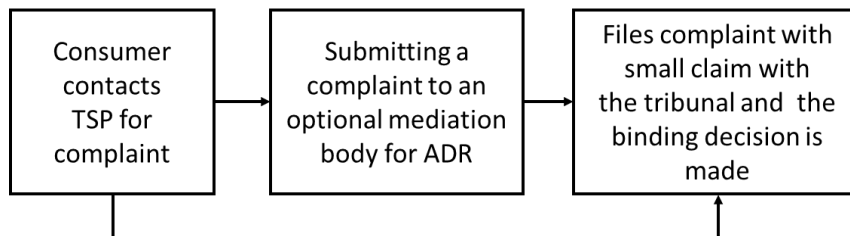


Figure 7. Telecom Dispute Resolution framework in Singapore

The consumer dispute settlement currently involves minimal involvement by the regulator. In 2016 Singapore regulator proposed to set up an ADR mechanism so that process becomes efficient, and there is always no need to go to claims tribunal. ADR scheme was under development until 2018; however, the project's final details have not been declared (PwC, 2018).

Funding mechanism

The Consumer Association of Singapore is an on-profit organization funded by membership fees. There are additional fees charged to parties when a complaint moves further. The State Courts are partially financed by court fees, which are charged for the applicants. The proposed ADR body is expected to be self-sustaining, with businesses as well as consumers paying fees as complaints are put forward.

4.3.5 South Korea

In South Korea, during 1980's telecom services got enhanced significantly. Government addressed need to protect consumer interest and prevent anti-competitive practices by privatizing and liberalizing sector. In 1990 Government introduced and structured norms. From period mid 1990 ministry of information and communication has followed a high-speed telecom infrastructure policy to build knowledge-based society. In

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1992, Korean Communication Commission (KCC) was founded. The functions of KCC are to protect consumer interest, arbitration, inquiry, and investigation. In 1995, Korea Information Infrastructure was established.

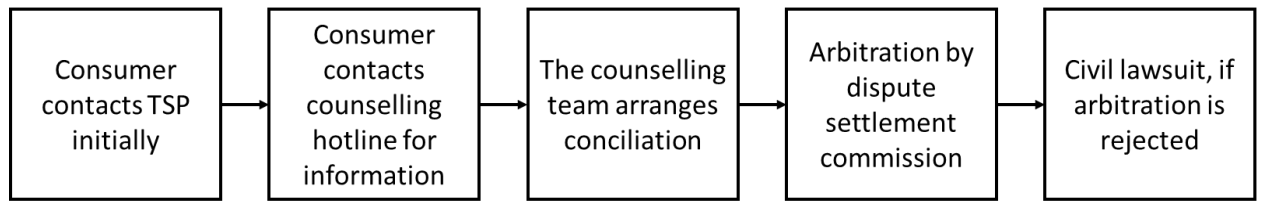


Figure 8. Telecom Dispute Resolution framework in South Korea.

In South Korea, the regulator is the Korea Communications Commission. The Commission is not solely responsible for consumer complaints, but it considers breaches in the laws. The agency primarily responsible for the telecom consumer resolution is the Korea Consumer Agency (KCA). This agency handles consumer grievances from all the segments.

Funding mechanism

The KCA and its various organizations are all government entities which have statutory funding sources. The KCA gets funding from the Broadcast Communications Development Fund which is funded by government appropriations. KCA does not apply to consumers who have grievances or

Access its consumer counseling services (PWC, 2018).

4.4 Comparative Analysis and Output

The Table 2 shows the comparison of telecom complaint resolution mechanisms across different countries. The analysis involves various parameters under initial complaint and telecom alternate dispute resolution procedures of different countries.

Table 2: Comparative Analysis Table

	India	Australia	Germany	UK	Singapore	S Korea
Initial complaint						
Mandatory initial complaint with TSP	Yes	Yes	Yes	Yes	No	Yes
The requirement for TSP to have an internal resolution mechanism	Yes	Yes	Yes	Yes	*Not clear	No
TSPs to participate in ADR	*Not clear	Yes	No	Yes	No	No
Agency has ombudsman services	Yes	Yes	No	Yes	No	No
Financial compensation	Not clear	Yes	No	Yes	No	Yes
Alt Dispute Resolution						
Single ADR Body	Yes	Yes	Yes	No	No	Yes
ADR is private body	No	Yes	No	Yes	Yes	No
ADR is an industry org.	No	No	Yes	No	No	No
Funding						
Fees charged to consumers	*Not clear	No	No	No	Yes	No
Fees charged to TSP	*Not clear	Yes	No	Yes	Yes	No

*Not clear: The procedure is not evolved

4.5 Proposed Solution

Researcher proposes a new regulatory framework for individual's telecom dispute resolution, which would be suitable for every country. The framework is an outcome of comparative analysis of different parameters worldwide. It is a three-stage process and is less time consuming and less complex. The framework is as shown in Figure 9.

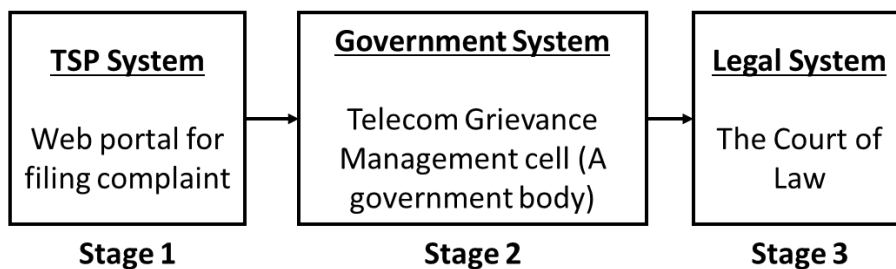


Figure 9. Telecom Dispute resolution framework uniform for all countries

The three stages of the framework are; the first stage will be consumer filing the complaint through a Web portal managed by the Telecom Service Provider (TSP) where consumers can track status of their complaints. If the complaint is not solved in given timeline or not resolved satisfactorily in the first stage; the consumer can approach telecom's Grievance management cell, a government entity functioning to resolve individual disputes in the telecom space. If consumers are still not satisfied with the investigation and resolution in second stage, they can approach the court of law in the third stage. In this framework, the telecom grievance management cell will be a government entity working for complaint resolution in telecom, so no separate funding mechanism is needed. Government body that is telecom grievance management cell to be set up regionally in proportion to telecom subscribers. It should be accessible to all telecom consumers either physically or digitally. Service will be free of cost for consumers.

Such ODR approaches are used in different countries in different sectors including telecom. Courts are becoming digitized, more effective, and collaborative mechanisms of containment and resolution are needed without delay. ODR can lend a hand to resolve disputes efficiently and affordably. Online dispute resolution (ODR) is a division of dispute resolution which makes use of technology to smooth the progress of the resolution of disputes between parties. It mainly engages negotiation, mediation or arbitration, or a combination of all three tools. The above ODR approach suggested is new, as well as simple to implement.

5. Conclusion

There is a need of independent, having a significant role and central decision-making entity in the Indian telecom sector. Making official decision of the Indian ombudsman entity in regulated telecom sector will need sound knowledge of telecom market, upcoming technologies, changing business models, and financing reality. To come up with an apt solution for individual dispute resolution in Indian telecom arena, consultation culture and then critically building solution is a feasible approach that is common in other countries.

Protection of individual consumers' interest and their complaints resolution has been gaining attention in many telecom markets wherein new ADR schemes are under implementation in countries like India and Singapore. Effective regulation offering independence and autonomy is crucial for having efficient consumer redress. The comparison of Indian consumer Redressal in telecom with other countries revealed need for independent authority to resolve grievances. It is a highly effective approach for resolution of consumer disputes. This approach is inspired by industry. Most developed countries and developing countries have independent and established regulatory framework for resolving different types of disputes. Some nations have revised regulatory structures and have addressed the problems existing in their regulatory structures and added some new required features like industry activities for dispute resolution, establishing an independent entity, and increasing ADR usage with regulatory adjudication. Politically global telecom is lessening traditional boundaries of nations. Telecom regulatory structures have lot of intricacies. Political transparency and telecom regulatory transparency are related to each other. Long pending or neglected disputes impacts negatively on growth of sector and cost of disputes is also important feature that should be considered while dispute resolution. ADR processes are very important which contribute to healthy regulatory environment. Policymaking should be ongoing process and it needs continuous improvements however there exists lot of challenges for policymakers and policies and regulations may struggle to keep pace with changing technology.

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