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TELECOM REGULATORY AUTHORITY OF INDIA

New Delhi,
The 21st August, 2007,

**THE REGULATION ON GUIDELINES FOR REGISTRATION OF CONSUMER
ORGANISATION/NON-GOVERNMENT ORGANISATIONS(NGOs) AND THEIR
INTERACTION WITH TRAI (SECOND AMENDMENT), 2007**

(7 of 2007)

NOTIFICATION

No. 330-2/2007-CA.----In exercise of the powers conferred upon it under sub-section (1) of section 36, read with sub-clause (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulation to further amend the Regulation on Guidelines for Registration of Consumer Organisations/Non-Government Organisations (NGOs) and their Interaction with TRAI, 2001 (1 of 2001), namely:-

1.(1) This regulation may be called the Regulation on Guidelines for Registration of Consumer Organisations/Non-Government Organisations (NGOs) and their Interaction with TRAI (Second Amendment), 2007

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Regulation on Guidelines for Registration of Consumer Organisations/Non-Government Organisations (NGOs) and their Interaction with TRAI, 2001(hereinafter referred to as the principal regulation), in sub-regulation (iii), of regulation 2

(a) for the words “three years”, the words “one year” shall be substituted;

(b) after the words “views of consumers”, the words “and assisting them in redressal of complaints regarding shortfall in the supplies and deficiency in services.” shall be inserted.

3. In the Regulation on Guidelines for Registration of Consumer Organisations / Non Government Organisations (NGOs) and their interaction with TRAI, 2001 (1 of 2001), after regulation 2, the following regulation shall be inserted, namely:-

“2A. Where the Authority is of the opinion that it is necessary or expedient so to do, for giving adequate representations to those regions/states which are either not represented or not adequately represented in the list of consumer organisations/NGOs registered with the Authority, the Authority may by order and

for reasons to be recorded in writing relax the provision relating to experience as given in sub-regulation (iii) of regulation 2 and register such consumer organisation(s) and non government organisation(s) from such regions/states.”

4. In regulation 3 of the principal regulation, -----

(a) for sub-regulation (v) , the following sub-regulation shall be substituted, namely:- -

“(v) The organisations, which have been allocated Registration Number under sub-regulation (iii) and same remains valid, shall submit a copy of the annual report of the organisation to TRAI by the 30th September of every year; ”;

(b) in sub-regulation (vi), for the words “two years”, the words “three years” shall be substituted;

(c) for sub-regulation (vii) , the following sub regulation shall be substituted, namely:-
“(vii) The TRAI, after taking into account—

- (a) the usefulness of the organization to protect the interest of consumers in telecom sector;
- (b) the capacity of the organization to advocate the cause of the consumers;
- (c) the performance of the organizations;
- (d) and fulfillment of other conditions specified in these regulations, may consider the renewal of the registration of the organizations referred to in sub regulation (iii) after the period of three years”;

5. In regulation 4 of the principal regulation,---

(a) for sub-regulations (v) and (vi), the following sub-regulations shall be substituted, namely:-

“(v) The organizations referred to in sub regulation (iii) of regulation 3 may be invited to assist TRAI in organising seminars, symposia and workshop on the subject of consumer welfare and consumer education in the field of telecommunication;

(vi) All the organizations referred to in sub regulation (iii) of regulation 3 shall, for the purpose of registration of consumer organisations and other consumer related issues, interact with the Nodal Officer in TRAI, being the Deputy Advisor (Consumer Affairs) in the Quality of Service Division or such other officer as the Authority may specify to be the Nodal Officer in TRAI.”

6. In Annexure A to the principal regulation, in the Registration Form, under the second column,-

(a) in the entry against serial number 9, below the words “Source Of Funds”, for words and brackets “ (Last three years)”, words and brackets “ (Last one year)” shall be substituted;

(b) for the entry against serial number 12, the following entry shall be substituted, namely:-

“Whether you have capability to conduct survey/study on consumer issues at local, regional or all India basis (give details).”

(c) in the entry against serial number 13, for the words “last three years” the words “last two years ” shall be substituted.

R.K.Arnold
Secretary

Note1. The principal regulation was published vide F. No.108-4/98-TRAI (Tech) dated the 15th January 2001 in the Gazette of India, Extraordinary, Part III, Section 4 and subsequently amended vide notification No.108-4/98-TRAI (Tech) dated the 28th March 2001 published in the Gazette of India, Extraordinary, Part III, Section 4.

Note 2. The Explanatory Memorandum to the Regulation on Guidelines for Registration of Consumer Organisations / Non-Government Organisations (NGOs) and their interaction with TRAI (Second Amendment) 2007 explains the objects and reasons of the amendments.

EXPLANATORY MEMORANDUM

1. BACKGROUND

1.1 TRAI had notified the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 and it was amended in March 2001. As on date twenty-eight numbers consumer organisations/Non-Government Organisations have been registered. A review of the organisations registered with TRAI indicates that there are more than eleven States in the country which have no representation in the registered group of consumer organisations.

1.2. During the course of the Open House Discussions and interactions with the registered organisations, it was revealed that one of the reasons for not having adequate representations from the states was on account of certain eligibility conditions imposed in the guidelines for registration. The Authority, therefore, decided to undertake an in-house review of the Regulation.

2. CRITERIA FOR REGISTRATION

2.1 Section II of the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 and as amended in March 2001 contains the criteria for registration of consumer organisations / NGOs. The criteria at sub-regulation (iii) of regulation 2 of the said regulation provides as under: -

“The organisation should have a minimum of three years of experience in the areas of representing views of consumers.”

2.2 The term “views of the consumers” has been incorporated to mean views about telecom services. The Authority has observed that the consumer organisations and NGOs are formed for taking up consumer issues in general and not specific to telecommunication. It would, therefore, be difficult to identify consumer organisations devoted mainly to telecommunication sector. The Authority is, therefore, of the view that consumer organisations/NGOs having experience in any field of consumer activity, lobbying and advocating consumer causes and having good track records of committed services to the society could be considered for registration. The Authority has, therefore, decided to amend this clause to facilitate registration of those organisations even with an experience of one year in activities towards protection of interests of consumers in any area.

2.3 The Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI, 2001 and as amended in March 2001, does not contain a clause which enables the Authority to relax any of the conditions / provisions in the Regulation. The registered consumer organisations are expected to look after the interest of the consumers and functions as the eyes and ears of the Regulator. The purpose of the meetings with the consumer organisations is for better understanding of the problems of the consumers across the country. It is, therefore, necessary that every region and states of the

country get represented through presence of consumer organisations registered with TRAI. Sometimes it may be necessary to register certain consumer organisations from those states where the voluntary process of registration has not succeeded. For this there is a need to have an enabling provision in the regulation to register by relaxing the provision relating to experience.

3. RULES GOVERNING REGISTRATION

3.1 Sub-regulation (v) of regulation 3 of the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 and as amended in March 2001 provides as under: -

“(v) the registered organization will provide audited annual report to TRAI on yearly basis.”

3.2 It was observed that most of the organizations registered with TRAI are not able to adhere to this provision of furnishing their audited annual report. Perhaps the concept of ‘audited annual report’ may not be very clear. An organisation may have an ‘audited annual account’ or an ‘annual report’ or an annual report which might contain the audited annual accounts also. The Authority was of the view that the consumer organisations registered with TRAI shall be required to submit their annual reports within a specified period.

3.3 Further, sub-regulation (vi) of regulation 3 of the of the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 provides as under: -

“(vi) the registration will be valid initially for a period of two years”.

3.4 After registering a consumer organisation, the actual interaction with it takes time, and it may happen once in a year when TRAI holds a regional meeting/workshop. Two year is, therefore, too short a period to assess the performance of the organisation. The Authority, therefore, feels that the initial registration should be for a period of three years. Depending on the performance of the registered organisation, their usefulness to the TRAI and their capacity to advocate the cause of the consumers and fulfillment of other conditions in the regulation, the Authority may decide either to continue the association or to dissociate with the organisation. This way even the existing organisations, which do not serve the purpose of registration, could also be removed from the list of registered Consumer Advocacy Groups (CAGs) after advising them of the intention to remove them.

3.5 Sub-regulation (vii) of regulation 3 of the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 and as amended in March 2001 deals with renewal of registration. As per this regulation, renewal of registration, beyond a period of two years, could be considered by TRAI on a specific request made by the registered organization, wherein the Organisation will have to provide additional information, if required by TRAI.

3.6 The Authority has observed that the organisations registered with TRAI generally do not come forward on their own for renewal of registration after the expiry of the initial period of two years. In view of the decision that the initial registration shall be for a period of three years and TRAI assessing the performance of the registered organisations, it would not be necessary for the organisations to apply for renewal of registration. However, for continued association with the registered organisations beyond three years, TRAI may call for such information as may be required.

4. INTERACTION WITH TRAI

4.1 Sub-regulation (v) of regulation 4 of the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 and as amended provides as under: -

“TRAI, in the form of consultation paper, shall also highlight the international practices of various consumer related issues for the benefit of consumers through these consumer organisations / NGOs’.

4.2 This clause in real sense does not amount to convey anything or purport to improve interaction. The basic intention of this clause is to educate the consumers about the various international practices relating to consumer issues, through the registered consumer organisations. The Authority has felt that this clause would require rewording to clearly communicate the purpose of this regulation and accordingly provision has been now made as under:-

“The organizations referred to in sub regulation (iii) of regulation 3 may be invited to assist TRAI in organising seminars, symposia and workshop on the subject of consumer welfare and consumer education in the field of telecommunication;

4.3 As per sub-regulation (vi) of regulation 4 of the of the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 and as amended in March 2001, provides that, Senior Research Officer (Administration & Legal) is the Nodal officer who is the focal point for interaction between the registered CAGs and TRAI. After re-organisation of the secretariat and reallocation of functions, the work of handling consumer affairs falls under the purview of QoS Division. This clause, therefore, has been amended accordingly.

5. The Amendments made in the registration Form in Annexure A to the Regulation on Guidelines for Registration of Consumer Organisations/ NGOs and their Interaction with TRAI in January 2001 are consequential in nature.