TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY,
PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 15th June, 2007

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND REGULATIONS, 2007 (6 OF 2007)

No.322/4/2006-QOS (CA). -----In exercise of the powers conferred upon it under section 36 of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations, namely:-

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CHAPTER I

PRELIMINARY

1. **Short title and commencement.--** (1) These regulations may be called the Telecommunication Consumers Education and Protection Fund Regulations, 2007.

(2) They shall come into force on their publication in the Official Gazette.

2. **Definitions.**--- In these regulations, unless the context otherwise requires,---

(a) "Act" means the Telecom Regulatory Authority of India Act, 1997 (24 of 1997);

(b)"Authority" means the Telecom Regulatory Authority of India established under sub-section (1) of section 3 of the Act;

(c) "committee" means the committee constituted under regulation 7;

(d) "consumer" means a consumer of a service provider under the Act and includes a customer and subscriber thereof ;

(e) "Corporation Bank" means the Corporation Bank specified under column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

(f) “subscriber” means any person or legal entity, who or which subscribes to a service from the licensee;

(g) " Telecommunication Consumers Education and Protection Fund” means the fund established by the Authority under regulation 5;

(h) all other words and expressions used in these regulations but not defined, and defined in the Act and the rules and other regulations made thereunder, shall have the meanings respectively assigned to them in the Act or the rules or other regulations, as the case may be.

CHAPTER II

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND

3. Excess Amount collected by service providers from the subscribers to be transferred to the Telecommunication Consumers Education and Protection Fund in certain cases.---- (1) Without prejudice to any order or direction of the Appellate Tribunal or any court or other tribunal or any other provision of the Act or any other law for the time being in force, every service provider, who has collected from its subscribers any amount in excess of, ----

(i) the rates of telecommunication service determined under any regulation or order or direction made under the Act, in a case where the rates have been determined and notified under sub-section (2) of section 11 of the Act; or

(ii) the rates announced by the service providers, in a case where the rates have been notified as rates under market forbearance under sub-section (2) of section 11 of the Act,

which has not been refunded to the concerned subscribers and lying as unclaimed with the service providers ,

shall,---

(a) in a case where a direction has been made by the Authority under section 13 or any other provisions of the Act, within a period of thirty days, after being so directed, transfer the excess amount so collected to the credit of the Telecommunication Consumers Education and Protection Fund; or

(b) in case where no direction has been made by the Authority under section 13 or any other provisions of the Act, within a period of thirty days, after expiry of twelve months from the date on which such amount became due for refund (including interest thereon, if any,) or after the expiry of the period of limitation specified under

any law for the time being in force for refund of such amount, whichever is later, transfer the excess amount so collected to the credit of the Telecommunication Consumers Education and Protection Fund.

(2) Any amount referred to in sub-clauses (i) and (ii) of sub-regulation (1) (including interest thereon, if any,) which had not been refunded to the concerned subscribers and lying as unclaimed, before the commencement of these regulations, with the service provider, for a period of twelve months, or more, from the date on which such amount became due for refund to the subscribers, or, after expiry of period of limitation specified under any law for the time being in force, whichever is later, shall, within thirty days after such commencement, be transferred to the credit of the Telecommunication Consumers Education and Protection Fund:

Provided that such service provider shall not transfer such amount to the credit of the Telecommunication Consumers Education and Protection Fund collected, whether before or after the commencement of these regulations, in excess of the rates referred to in sub-clause (i) or sub-clause (ii) of sub-regulation (1), in respect of which,-----

(i) a claim has been filed, under the Consumer Protection Act,1986 (68 of 1986) or before any court or tribunal, by a subscriber; or

(ii) an order has been made under the Consumer Protection Act,1986 or an order has been made by any court or tribunal ,

and such amount shall be refunded to the subscribers in accordance with the order, made under that Act, or, of the court or tribunal, as the case may be.

(3) The service provider shall, while making any transfer of the amount under sub-regulation (1) or sub-regulation (2),----

(a) keep records of all such particulars relevant and as may be considered necessary by it for transfer of such money in respect of all sums included in such transfer;

(b) furnish to the Authority, within fifteen days of transfer of such amount, a statement indicating therein the nature of all sums included in such transfer and such other details as may be relevant for transfer of such amount.

4. Procedure for depositing the excess amount collected by service providers from the subscribers in the Consumers Education and Protection Fund.----(1) Any amount required to be transferred, under these regulations, by the service providers to the credit of the Telecommunication Consumers Education and

Protection Fund shall be remitted into the branches of the Corporation Bank designated for the purpose by the said bank, within a period of thirty days of such amount becoming due to be credited to the Fund.

(2) The amount, referred to in sub--regulation (1), shall be tendered by the service providers in the designated branches of the Corporation Bank along with challan in triplicate mentioning therein the head as "Telecommunication Consumer Education and Protection Fund", and the Corporation Bank shall return two copies duly stamped to the service providers as token of having received the amount referred to in sub- regulation (1).

(3) The service provider shall,---

(a) fill in the full description and the nature of the amount tendered and its Head of Account in the challan referred to in sub-regulation (2);

(b) file with the Authority one copy of the challan referred to in sub-regulation (2) evidencing deposit of the amount to the Telecommunication Consumers Education and Protection Fund.

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5. Telecommunication Consumers Education and Protection Fund.--- (1) There shall be established by the Authority a fund, to be called the "Telecommunication Consumers Education and Protection Fund".

(2) There shall be credited to the corpus of the Telecommunication Consumers Education and Protection Fund,-- ---

(a) the amount referred to in sub-regulations (1) and (2) of regulation 3;

(b) any income, by way of interest, on the amount referred to in clause (a), or, from investment of such amount .

(3) The custody, control and management of the Telecommunication Consumers Education and Protection Fund shall be vested in the Authority.

(4) All the amounts referred to in clauses (a) and (b) of sub-regulation (2) credited to the Telecommunication Consumers Education and Protection Fund shall be kept in separate accounts in the Corporation Bank.

6. Utilisation of the Telecommunication Consumers Education and Protection Fund.------(1) All expenditure of the Telecommunication Consumers Education and Protection Fund shall be met out of the incomes referred to in clause (b) of sub-regulation (2)

of regulation 5.

(2) The amount available by way of income referred to in clause (b) of sub-regulation (2) of regulation 5, shall be utilised on the recommendation of the committee after obtaining the approval of the Authority, on the expenditure for the following purposes only, namely:-

(a) to undertake programmes to educate the consumers of the Telecommunication services about various measures taken by the Central Government or the Authority for protecting the interests of consumers of telecommunication services;

(b) to conduct studies and market research projects, either directly or through specialized agencies or institutions on matters relating to protection of the interests of consumers of telecommunication services;

(c) to organize seminars, symposia and workshops on the subject of consumer welfare and consumer education in the field of telecommunication:

Provided that the expenditure during the initial eighteen months beginning from the date of commencement of these regulations may be incurred out of the amount referred to in clause (a) of sub-regulation (2) of regulation 5 for the purposes specified in this sub-regulation and in accordance with the provisions of these regulations:

Provided further that the expenditure referred to in the first proviso shall in no case exceed five per cent. of the amount referred to in clause (a) of sub-regulation (2) of regulation 5 or rupees fifty lakh, whichever is less.

Provided also that no such expenditure shall be incurred out of the amount referred to in clause (a) of sub-regulation (2) of regulation 5 after the expiry of the period of eighteen months referred to in the first proviso.

(3) The accounts referred to in sub-regulation (4) of regulation 5 shall be operated, jointly by the presiding member and the member referred to in clause (e) of regulation 8.

CHAPTER III

COMMITTEE FOR UTILISATION OF TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND

7. Constitution of Committee.----There shall be constituted a committee for,--

(a) making recommendations to the Authority for utilisation of the

amount for purposes referred to in clauses (a) to (c) of sub-regulation (2) of regulation 6;

(b) the utilisation of the amount referred to in sub-regulation (2) of regulation 6 with the approval of Authority;

(c) other purposes specified under these regulations.

8. Composition of Committee.---- The committee shall consist of the following, namely :-

(a) the Secretary in the Authority --- *ex-officio* presiding member;

(b) two representatives to be nominated by Chairperson of the Authority from amongst such voluntary consumer organizations registered with the Authority ---------- members;

(c) two representatives of the service providers to be nominated by the Cellular Operators Association of India being a society registered under the Societies Registration Act,1860 (21 of 1860) or two representatives to be nominated by such other association of the service providers providing cellular mobile telephone service, as may be approved for the purposes of these regulations by the Authority ---------- members;

(d) two representatives of the service providers to be nominated by the Association of Unified Telecom Service Providers of India, being a society registered under the Societies Registration Act,1860 (21 of 1860) or two representatives to be nominated by such other association of the service providers providing unified access services, as may be approved for the purposes of these regulations by the Authority ---------- members;

(e) Principal Advisor or the Advisor, being in charge of the Finance and Accounts Division, in the Authority, --------*ex officio* member;

(f) Principal Advisor or the Advisor, being in charge of the Economic Division, in the Authority, ----------*ex officio* member;

(g) Principal Advisor or the Advisor, being in-charge of the Regulatory Enforcement Division, in the Authority ---------- ---------- *ex officio* member;

(h) Principal Advisor or the Advisor, being in-charge of the Quality of Service Division, in the Authority---------- ---------- ex *officio* convener member;

9. Term of Office of the Committee.----(1) The term of office of every member in the committee, other than those referred to in clauses (a), (e), (f), (g) and (h) of regulation 8, shall be one year but such member shall be eligible for re-nomination by the Chairperson of the Authority,

the Cellular Operators Association of India, the Association of the Unified Access Service Provider and other associations, as the case may be.

(2) Any vacancy arising on account of resignation, retirement, death of a member or for any other reason, shall be filled by the Authority or the respective association, as the case may be, for the remaining period of the term of such member.

10. Functions of the Committee. ------ (1) The committee shall prepare annual budget estimates of the income referred to in clause (b) of sub-regulation (2) of regulation 5 and the budget estimates of expenditure for utilisation of the amount referred to in regulation 6 along with the details of the programme, studies and market research projects, seminars, symposia and workshops and submit the same two months before beginning of each financial year for approval of the Authority:

(2) The committee shall incur such expenditure on any of the purposes mentioned in clauses (a) to (c) of sub-regulation (2) of regulation 6 which has been included in the budget estimates referred to in sub-regulation (1) and sanctioned under sub-regulation (4) by the Authority.

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(3) Every expenditure referred to in sub-regulation (2) shall be incurred after having passed a resolution for incurring such expenditure in the meeting of the committee.

(4) Every resolution referred to in sub-regulation (3) shall, mention the maximum amount of expenditure to be incurred and the purpose for such expenditure, and, such resolutions shall be submitted before the Authority for sanctioning of such expenditure.

(5) A copy of the summary of the programmes referred to in clause (a), studies and market research projects referred to in clause (b) and seminars, symposia and workshops referred to in clause (c), of sub-regulation (2) of regulation 6, shall be provided to the Authority within thirty days of the conclusion of the programmes, market research projects and seminars, symposia and workshops, as the case may be.

11. Meetings and Quorum.----- (1) The meetings of the Committee shall be held at Delhi.

(2) Notice of not less than fifteen days in respect of a meeting of the committee shall be given to every member of the committee:

Provided that when the presiding member of the committee calls for a meeting for consideration of any matter which in his opinion is urgent, a notice shorter than fifteen days but not less than three days shall be deemed to be sufficient notice for purpose of this regulation.

(3) The presiding member of the committee shall preside over the meeting of the committee and in his absence, the convener of the committee shall preside over the said meeting and shall have all the powers of the presiding member of the committee at such meeting.

(4) No business shall be transacted at a meeting unless majority of the members are present of which at least one member shall be a representative of a consumer organization referred to in clause (b) of regulation 8.

(5) Every issue considered at a meeting of the committee shall be decided by a majority of votes of members present and voting and in the event of equality of votes on any issue or resolution, the presiding member of the committee shall, in addition, have a casting vote.

(6) No act or proceeding of the committee shall be invalid merely by reason of-----

(a) any vacancy in, or any defect in the constitution of, the committee; or

(b) any defect in the appointment of a person acting as member or convener of the committee; or

(c) any irregularity in the procedure of the committee not affecting the merits of the case.

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12. Minutes of the meeting.------(1) The minutes of every meeting of the committee shall be kept by the convener member of the committee.

(2) The minutes of all proceedings of every meeting of the committee shall be kept by making at the conclusion of every such meeting, the entries thereof in books kept for that purpose with their pages consecutively numbered and each page of every such book shall be initialled or signed and the last page of the record of proceedings of each meeting in such books shall be dated and signed.

(3) The minutes of each meeting of the committee shall contain a fair and correct summary of the proceedings thereof.

(4) All the decisions of the committee shall be authenticated by the signature of the convener of the committee.

(5) The minutes of each meeting of the committee constituted under regulation 7 shall be placed before the Authority within a period of fifteen days from the date of such meeting.

13. Expenses of the Committee.----- The expenses (including traveling allowance and all other allowances) of the members of the committee for attending the meetings of the committee shall be borne

by-----
(a) the Authority, in respect of the two representatives nominated by the chairperson of the Authority under clause (b) of regulation 8 from amongst such voluntary consumer organizations registered with the Authority;
(b) the Cellular Operators Association of India, the Association of Unified Telecom Service Providers of India and such other association of the service providers in respect of members nominated by them under clauses (c) and (d) of regulation 8.

CHAPTER IV

ACCOUNTS AND AUDIT OF TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND

14. Maintenance of accounts.---- (1)The committee shall maintain proper and separate accounts and other relevant records in relation to the Telecommunication Consumers Education and Protection Fund giving therein the details of all receipts in, and, expenditure from, such Fund and other relevant particulars.

(2) The accounts referred to in sub-regulation(1) shall be prepared and got audited before the expiry of six months from the end of each financial year.

(3) The committee shall submit to the Authority the accounts referred to in sub-regulation (1) duly audited under regulation 15 and signed by all the members of the committee.

15. Audit of Accounts and their publication.------ (1)The accounts of the Telecommunication Consumers Education and Protection Fund shall be audited by auditors who may be appointed by the Authority for the term of one year and such auditors shall be eligible for re-appointment.

(2) No person shall be eligible to be appointed as an auditor under sub-regulation (1) unless he is a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 (38 of 1949) and who has obtained a certificate of practice under sub-section (1) of section 6 of that Act.

(3) The accounts of the Telecommunication Consumers Education and Protection Fund shall, after the completion of the audit under sub-regulation (1) and submission thereof to the Authority under sub-regulation (3) of regulation 14, be published on the website of the Authority for information of the general public.

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CHAPTER V

MISCELLANEOUS

16. Payment of money for making refund to subscribers.---------- (1) Any person, becoming entitled to refund of any amount as referred to in regulation 3 in pursuance of an order made by a Consumer Forum under the Consumer Protection Act,1986(68 of 1986) or by any court or tribunal, subsequent to the transfer of such amount to the Telecommunication Consumers Education and Protection Fund shall be paid such amount by the concerned service provider in accordance with the order made by the Consumer Forum or the court or tribunal, as the case may be, and such service provider may apply to the Authority for reimbursement of such amount.

(2) The reimbursement of the amount referred to in sub-regulation (1) shall, on the recommendation of the committee, be made to the service provider after the approval of the Authority.

17. Power of Authority to issue directions for utilisation of the Telecommunication Consumers Education and Protection Fund.— (1) Without prejudice to any of the provisions of the Act, or any other regulations made under the Act or directions issued thereunder, the Authority may, from time to time, issue to the committee such directions as it may think necessary to protect the interests of consumers of the telecom sector.

(2) Without prejudice to the foregoing provisions, the committee shall in the performance of its functions under regulation 10, be bound by such directions on questions of policy in respect of matters for utilisation of the Telecommunication Consumers Education and Protection Fund as the Authority may give to it from time to time and the committee shall comply with such directions.

(R.K. Arnold)
Secretary

Note. -------The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007).

EXPLANATORY MEMORANDUM TO THE TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND REGULATIONS, 2007 (6 OF 2007)

The Telecom Regulatory Authority of India Act, 1997 (hereinafter referred to as the Act) has been enacted for the establishment of Telecom Regulatory Authority of India (hereinafter referred to as the TRAI) and, *inter alia,* to protect the interests of service providers and consumers of the telecom sector, to promote and ensure orderly growth of the telecom sector and for matters connected therewith or incidental thereto.

2. The TRAI has been conferred powers to make regulations under section 36 of the Act. Sub-section (1) of section 36 of the Act provides that the Authority may, by notification, make regulations consistent with this Act and the rules made there under to carry out the purposes of this Act and one of the purposes of the Act being to protect the interests of consumers of the telecom sector and to promote orderly growth of telecom sector. The regulations so made under the Act are laid before each House of Parliament.

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3. In pursuance of the orders notifying rates of telecommunication services, made, and Directions of the Authority issued, under the Act, a consumer may become entitled to refund of certain amount being excess paid by him to the service provider. The issue is that where the amount in excess of the rates of the telecom services determined under any regulation or order or direction made under the Act or the amount in excess of the rates of telecom services determined (under market forbearance) by the service provider becomes due to the consumers who are numerous, the service provider may find it difficult, in certain cases, to refund to the consumers such excess amount so charged. In such cases, it would not be appropriate to allow the service providers to retain such excess amount charged from consumers as it may amount to unjust or undue enrichment of such service providers.

4. It is therefore appropriate for Authority to make regulations to carry out the purposes of the Act that is to prevent the unjust or undue enrichment of such service providers referred to in the preceding paragraph and endeavor to utilize the excess amount charged from consumers for their education and protection when such amount cannot be refunded to the concerned consumers and thus lying with the service providers even after the expiry of limitation period under the law for the time being in force.

5. The Authority have a duty to protect interest of the consumers of the telecom sector and the duty appears to take within its fold a duty to specify the manner of utilization of all such excess charged moneys, which belong to consumers of the telecommunication sector but could not be refunded to the concerned consumers and are lying unrefunded and unclaimed with the service providers, for purposes of telecommunication consumers' education and protection of their interest. The mechanism for pooling such moneys and canalizing of utilization of such moneys upon activities aimed at consumer education and protection has been worked out under the provisions of the Telecommunication Consumers Education and Protection Fund Regulations, 2007.

6. As of now, refunds were due to a large number of consumers of different service providers under various Directions or Orders issued by the Authority from time to time, but a significant amount of these excess moneys charged could not be refunded to the consumers for different reasons (non-traceability of the consumer, etc.) by the concerned service providers and accordingly, such sums of moneys are lying with the service providers in separately earmarked accounts on the initiative of the Authority. Some such money, which could not be refunded to the consumers of telecommunication sector, has been deposited with the Authority by one of such service providers and the same is also lying in a separate account with the Authority. The retention of such excess charged moneys, which actually belong to the consumers, by the service providers would amount to undue or unjust enrichment and, therefore, these moneys are required to be ploughed by an institutionalised mechanism and utilising such moneys for activities aimed at promotion of telecommunication consumer's education and protection.

7. Since the matter, for utilization of excess moneys charged from the consumers which could not be refunded to them even after expiry of the period of limitation specified under the law for the time being in force, had been under consideration for quite sometime and the Authority held a meeting with the Cellular Mobile Operators on the 17th April, 2006 regarding utilization of such amount lying with them. The view that emerged in the meeting was that the utilisation of the amount should be for the consumer awareness/protection.

8. With the object of utilizing the moneys which could not be refunded to the consumers and lying with the service providers as unclaimed, the Authority has now decided to establish the Telecommunication Consumers Education and Protection Fund and provide therein the mechanism to utilise such moneys for the consumers' education and

their protection. The Telecommunication Consumers Education and Protection Fund Regulations, 2007, *inter alia*, provide that,---

(a) the amount in respect of which (i) a claim has been filed, under the Consumer Protection Act, 1986 (68of 1986) or before any court or tribunal, by a subscriber; or (ii) an order has been made under the Consumer Protection Act, 1986 or by any court or tribunal, shall not be transferred to the Telecommunication Consumers Education and Protection Fund;

(b) only the income from such amount credited to the corpus of the Telecommunication Consumers Education and Protection Fund---

(i) which has been charged in excess of the rates of telecom services from consumers and could not be refunded to the concerned consumers;
(ii) in respect of which the period of limitation under the law for the time being in force has expired; and
(iii) which continues to be with the service providers,

shall be utilised for consumers education and protection, with the single exception that an amount not exceeding five per cent of the initial corpus of the Telecommunication Consumers Education and Protection Fund or rupees fifty lakhs, whichever is less, may be used during the initial period of eighteen months from the date on which these regulations come into force, because the generation of income by way of interest may take some time and, in the mean time it may not be possible to undertake any activity / scheme for telecommunication consumers' education and protection without adequate funds;

(c) only the amounts collected from consumers in excess of the rate of telecommunication services which could not be refunded to concerned consumers and thus lying unclaimed with the service providers, shall be transferred to the Telecommunication Consumers Education and Protection Fund by the service providers.

(d) any person, becoming entitled to refund of any amount in pursuance of an order made by a Consumer Forum under the Consumer Protection Act,1986 or by any court or tribunal, subsequent to the transfer of such amount to the Telecommunication Consumers Education and Protection Fund shall be paid such amount by the service provider in accordance with the order made under that Act or the court or tribunal, as the case may be, and the service provider may apply to the Authority for reimbursement of such amount;

(e) all expenditure from the Telecommunication Consumers Education and Protection Fund shall be incurred with the approval of the Authority on the recommendations of the committee constituted under these regulations which, inter alia, consist of the representatives of the service

providers and the consumers' organizations so as to ensure transparency;

(f) the accounts of the Telecommunication Consumers Education and Protection Fund shall be audited by the qualified chartered accountant appointed by the Authority;

(g) the audited statement of accounts of the Telecommunication Consumers Education and Protection Fund shall be exhibited on the website of the Authority for information of the general public;

9. The Authority hopes that the measures for the consumers' education and their protection as envisaged in the Telecommunication Consumers Education and Protection Fund Regulations, 2007 would,---

(i) create awareness among the telecommunication consumers in different parts of India in respect of their rights;

(ii) eventually reduce the amount which may remain unclaimed in future by such consumers;

(iii) educate them regarding latest development in the telecommunication sector and telecom laws and steps taken by the Authority and Central Government to protect and promote the interests of the telecommunication consumers; and

(iv) also prevent the avoidable events of excess charging of rates by the service providers at times which is often unintentional due to fast changes taking place in the telecommunication sector and other reasons.

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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 7th March, 2011

No. 322-8/2010-CA---In exercise of the powers conferred by under section 36, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) namely :-

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND (AMENDMENT) REGULATIONS, 2011

(2 of 2011)

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1. (*1*) These regulations may be called Telecommunication Consumers Education and Protection Fund (Amendment) Regulations, 2011.

(*2*) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 8 of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007), ----

(a) in sub-clause (b), for the words “two representatives”, the words “five representatives” shall be substituted;

(b) after sub-clause (d) the following sub- clause shall be inserted, namely:-

“(da) one representative of Internet & Broadband service providers to be nominated by Internet Service Providers Associations of India (ISPAI), being a registered society registered under the Societies Registration Act, 1860 (21 of 1860) or one representative to be nominated by such other association of Internet and Broadband service providers, providing Internet and Broadband services, as may be approved for the purposes of these regulations by the Authority----------member;”

(c) in sub-clause (f), for the words “being in-charge of the Economic Division”, the words “being in-charge of the Economic Regulation Division” shall be substituted;

(d) in sub-clause (g), for the words “being in-charge of the Regulatory Enforcement Division”, the words “being in-charge of regulatory enforcement” shall be substituted;

(e) in sub-clause (h), for the words “being in-charge of the Quality of Service Division”, the words “being in-charge of consumer affairs” shall be substituted.

(R.K.Arnold)
Secretary, TRAI

Note 1---- The principal regulations were published vide Notification No. 322/4/2006-QoS (CA) dated the 15th June, 2007.

Note 2 ---- The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund (First Amendment) Regulations, 2011.

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EXPLANATORY MEMORANDUM

Background:

The Telecom Regulatory Authority of India had notified the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) on 15th June 2007. In terms of the Regulations, a fund called 'Telecommunication Consumers Education and Protection Fund' has been created. The income from the Fund is utilised to undertake programmes to educate consumers of the telecommunication services on the recommendation of a committee.

2. The Committee for Utilisation of Telecommunication Education and Protection Fund (CUTCEF) consists of officers from TRAI, two representatives nominated by the Chairperson of TRAI from amongst voluntary consumers organisations registered with TRAI, two representatives of Cellular Operators Association of India (COAI) and two representatives of the Association of Unified Telecom Service providers of India (AUSPI).

3. Since the income from the Fund is utilised on various consumer centric activities such as consumer education programmes about various measures taken by the Telecom Regulatory Authority of India for protecting the interest of consumers of telecommunication services, to organize seminars, workshops etc., on the subject of consumer welfare and consumer education in the field of telecommunication, it is considered expedient to give equal representation to the CAGs in the Committee by nominating one representative each from the 5 regions of North, South, West, East and North East. The amendment will facilitate re-constitution of CUTCEF with five representatives from voluntary consumer organizations registered with TRAI.

4. Penetration of Broadband is likely to be increased and broadband would play a much wider role in the upcoming telecom scenario. It would, therefore, be necessary to give adequate representation in the CUTCEF to the service providers providing Internet and broadband services. Accordingly, it has been decided to include one representative of Internet Service Providers Association of India (ISPAI) or any other association providing Internet and Broadband services in the country in the Committee.

5. Earlier the work relating to consumer affairs was looked after by Advisor in charge of Quality of Service. Now, a separate division has been created for handling consumer affairs. The names of some other divisions have also undergone changes. The other amendments are necessitated on account of restructuring of the secretariat of the Authority.

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART-III, SECTION 4)

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the 10th July, 2013

No. 324-2/2013-CA---In exercise of the powers conferred under section 36 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) namely :-

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND (SECOND AMENDMENT) REGULATIONS, 2013

(8 of 2013)

1. (1) These regulations may be called the Telecommunication Consumers Education and Protection Fund (Second Amendment) Regulations, 2013.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 2 of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) (herein after referred to as principal regulations), after clause (e), the following clause shall be inserted namely:-

10/7/13

RAJEEV AGRAWAL
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 2

"(ea) "Scheduled bank" means a bank included in the Second Schedule of the Reserve Bank of India Act, 1934,"

3. In regulation 5 of the principal regulations, after sub-regulation (4), the following sub-regulation shall be inserted namely:-

"(4A) The Authority may, from time to time, review the rate of interest offered by the Corporation Bank and the amount credited in the accounts referred to in sub-regulation (4) and if upon such review, the Authority finds that a higher rate of interest is being offered by any other scheduled bank, the Authority may withdraw from the Corpus of the said accounts such amount, and deposit, in the said scheduled bank, for such duration, as it may deem fit:

Provided that the income, by way of interest, earned on such deposit shall be deposited in the separate accounts maintained for this purpose."

4. In regulation 6 of the principal regulations, for sub-regulation (3), the following sub-regulation shall be substituted namely:-

"(3) Subject to the provision of sub-regulation (4A) of regulation 5, the accounts referred to in sub-regulation (4) of regulation 5 shall be operated jointly by the presiding member and the member referred to in clause (e) of regulation 8."

10/7/13

RAJEEV AGRAWAL
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 2

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5. In regulation 8 of the principal regulations,_ _ _ _

(a) in clause (e) for the words "the Finance and Accounts Division", the words "the Finance and Economic Analysis Division" shall be substituted,

(b) the clause (f) and (g) shall be omitted;

(c) for clause (h), the following clause shall be substituted namely:-

"(h) Principal Advisor, being in charge of the Consumer Affairs and Quality of Service Division in the Authority---------- *ex officio* member;

(d) after clause (h), the following clause shall be inserted, namely:-

"(i) Advisor, Consumer Affairs and Quality of Service Division in the Authority---------- *ex officio* convener member."

6. In regulation 9 of the principal regulation, in sub-regulation (1) for the words, brackets and figures "clause (a), (e), (f), (g) and (h)", the words brackets and figures "clauses (a), (e), (h) and (i)" shall be substituted.

7. In regulation 15 of the principal regulations, for the words "such auditors shall be eligible for re-appointment" the words "such auditors shall be

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Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 2

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eligible for re-appointment for a further period not exceeding two years" shall be substituted.

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RAJEEV AGRAWAL
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 2

(Rajeev Agrawal)
Secretary, TRAI

Note 1---- The principal regulations were published vide Notification No. 322/4/2006-QoS (CA) dated the 15th June, 2007.

Note 2---- The principal regulations were amended vide notification No. 322-8/2010-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 7th March, 2011.

Note 3 ---- The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund (Second Amendment) Regulations, 2013 (8 of 2013).

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RAJEEV AGRAWAL
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 2

EXPLANATORY MEMORANDUM

Background:

The Telecom Regulatory Authority of India had notified the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) on 15th June 2007. In terms of the Regulations, a fund called 'Telecommunication Consumers Education and Protection Fund' has been created. The income from the Fund is utilised to undertake programmes to educate consumers of the telecommunication services on the recommendation of a committee.

2. The Committee for Utilisation of Telecommunication Education and Protection Fund (CUTCEF) consists of officers from TRAI, two representatives nominated by the Chairperson of TRAI from amongst voluntary consumers organizations registered with TRAI, two representatives of Cellular Operators Association of India (COAI) and two representatives of the Association of Unified Telecom Service providers of India (AUSPI) and one representative from Internet & Broadband service providers of the Internet Service Providers Associations of India (ISPAI).

3. Presently, the amount being received in the Telecommunication Education and Protection Fund account is maintained in Corporation Bank. Out of this fund a large portion of the amount is kept in Fixed Deposits in Corporation Bank only. However, in the present scenario it is being seen that different banks are offering different rates of interest and there are instances when other banks offered higher rate of interest in comparison to Corporation Bank. Therefore, the amendment will proposes facilitation of fixed deposits in other scheduled banks.

4. Due to restructuring of divisions in TRAI, the members of the CUTCEF representing TRAI have been suitably amended. The current regulation does not stipulate any specific period for re-appointment of the auditor. Therefore the Authority decided to specify the period for re-appointment of the auditor. A maximum period for appointment of the auditor for auditing the TCEPF has been fixed as three years in the amendment.

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RAJEEV AGRAWAL
Secretary
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi - 2

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY, PART-III, SECTION 4)

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

New Delhi, the 26th June, 2014

No. 324-2/2013-CA---In exercise of the powers conferred upon it under section 36 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) namely :-

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND (THIRD AMENDMENT) REGULATIONS, 2014

(6 of 2014)

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1. (1) These regulations may be called the Telecommunication Consumers Education and Protection Fund (Third Amendment) Regulations, 2014.

   (2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 6 of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007), in sub-regulation (3) the following proviso shall be inserted, namely:-

   "Provided that the presiding member may, in consultation with the member referred to in clause (e) of the Regulation 8, by an order, authorize a Joint Advisor or Deputy Advisor of Consumer Affairs and Quality of Service Division and a Joint Advisor or Deputy Advisor of Finance and Economic Analysis Division to sign jointly the cheque for release of the amount sanctioned for payment from the accounts referred to in sub-regulation (4) of Regulation 5."

(Sudhir Gupta)
Secretary, TRAI

Note 1---- The principal regulations were published vide Notification No. 322/4/2006-QoS (CA) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 15th June, 2007.

Note 2----The principal regulations were amended vide notification No. 322-8/2010-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 7th March,2011.

Note 3----The principal regulations were amended vide notification No. 324-2/2013-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 10th July,2013.

Note 4 ---- The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund (Third Amendment) Regulations, 2014(6 0f 2014).

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EXPLANATORY MEMORANDUM

Background:

The Telecom Regulatory Authority of India had notified the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) on 15th June 2007. In terms of the Regulations, a fund called 'Telecommunication Consumers Education and Protection Fund' has been created. The income from the Fund is utilized to undertake programmes for educating consumers of telecommunication services on the recommendation of the Committee for Utilization of Telecommunication Consumers Education and Protection Fund (CUTCEF).

2. Presently, the accounts referred to in sub-regulation (4) of regulation 5 are operated, jointly by the presiding member i.e. Secretary, TRAI and the member referred to in clause (e) of regulation 8 i.e. Principal Advisor/Advisor of the Finance and Economic Analysis Division. This regulation is amended to allow the above members to authorize operation of the accounts by Joint or Deputy Advisor of the Consumer Affairs & Quality of Services Division and Joint or Deputy Advisor of the Finance and Economic Analysis Division.

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TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the 18th July, 2018

No. 324-5/2018-CA---In exercise of the powers conferred upon it under section 36 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations further to amend the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007), namely :-

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND (FOURTH AMENDMENT) REGULATIONS, 2018

(5 of 2018)

1. (1) These regulations may be called the Telecommunication Consumers Education and Protection Fund (Fourth Amendment) Regulations, 2018.

   (2) They shall come into force from the date of their publication in the Official Gazette.

2. In regulation 6 of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) (hereinafter referred to as principal regulations), in proviso to sub-regulation (3), for the words "authorise a Joint Advisor or Deputy Advisor of Consumer Affairs and Quality of Service Division and a Joint Advisor or Deputy Advisor of Finance and Economic Analysis Division", the words "authorise a Joint Advisor or Deputy Advisor in the Division dealing with Consumer Affairs and a Joint Advisor or Deputy Advisor in the Division dealing with Finance and Economic Analysis matters in the Authority" shall be substituted.
3. In regulation 8 of the principal regulations,-
   (a) clause (d) shall be omitted;
   (b) for clause (h), the following clause shall be substituted, namely:-
   "(h) Principal Advisor dealing with Consumer Affairs in the Authority------- ex officio member";
   (c) for clause (i), the following clause shall be substituted, namely :-
   "(i) Advisor dealing with Consumer Affairs in the Authority------- ex officio convenor member"
4. In regulation 9 of the principal regulations, in sub-regulation (1), the words "the Association of Unified Telecom Service Providers of India" shall be omitted.
5. In regulation 10 of the principal regulations, in sub-regulation (1), for the words "two months before", words "at the" shall be substituted.
6. In regulation 13 of the principal regulations,-
   (a) in clause (a), for the word "two", word "five" shall be substituted;
   (b) for clause (b), the following clause shall be substituted, namely:-

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"(b) the Cellular Operators Association of India, the Internet Service Providers Association of India and such other association of the service providers in respect of members nominated by them under clauses (c) and (da) of regulation 8."

(S.K. Gupta)
Secretary, TRAI

Note 1---- The principal regulations were published vide Notification No. 322/4/2006-QoS (CA) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 15th June, 2007.

Note 2----The principal regulations were amended vide notification No. 322-8/2010-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 7th March, 2011.

Note 3----The principal regulations were amended vide notification No. 324-2/2013-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 10th July, 2013.

Note 3----The principal regulations were amended vide notification No. 324-2/2013-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 26th June, 2014.

Note 4 ---- The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund (Fourth Amendment) Regulations, 2018 (5 of 2018).

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EXPLANATORY MEMORANDUM

The Telecom Regulatory Authority of India had notified the Telecommunication Consumers Education and Protection Fund Regulations, 2007 [(6 of 2007) hereinafter referred to the principal regulations] on 15th June 2007. In terms of the principal regulations, a fund called "Telecommunication Consumers Education and Protection Fund" (TCEPF) has been created. The income from the Fund is utilized to undertake programmes and activities relating to consumer education and protection as are approved by the Authority following the recommendation of the Committee for Utilization of Telecommunication Consumers Education and Protection Fund (CUTCEF).

2. The current CUTCEF composition includes five members from service providers' associations viz. two each from Cellular Operators Associations of India (COAI) and Association of Unified Telecom Service Providers of India (AUSPI) and one from Internet & Broadband Service Providers of India (ISPAI). However, the AUSPI has now ceased to exist. The name of AUSPI is, therefore, required to be deleted from the CUTCEF composition. The constitution of CUTCEF is accordingly being amended through this amendment.

3. The Committee reviews income & expenditure alongwith various activities carried out of TCEP Fund in a financial year (FY) while finalizing the budget estimates for the next FY in its annual meeting. However, the details of income accrued and expenditure incurred in the last quarter of the FY are not available for consideration by the committee as the meeting of committee is required to be organised well before the beginning of the last quarter of FY in pursuance of timelines prescribed in regulation 10 of the principal regulation, which envisages submission of budget estimates by the Committee for approval of the Authority two months before the beginning of next FY. This has necessitated making suitable changes in the provision regarding timelines for submission of annual budget estimates for approval of the Authority and amendment to that effect has been carried through these regulations.

4. There has been reorganisation of Divisions in TRAI with Consumer Affairs (CA) and Quality of Service (QoS) now being two separate Divisions. Consequential changes in the related provisions have accordingly been made in the Regulation.

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