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TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 21st February, 2013

F.No.321-49/2012-CA&QoS-----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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REGISTRATION OF CONSUMER ORGANISATIONS REGULATIONS, 2013 (1 OF 2013)

CHAPTER-I

PRELIMINARY

1. Short title, commencement and application----(1) These regulations may be called the Registration of Consumer Organisations Regulations, 2013.

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

(3) These regulations shall apply to the consumer organizations seeking registration with the Authority.

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

(d) "consumer organisation" means a society registered under the Societies Registration Act, 1860 (21 of 1860) or any other Act, for the time being in force, for promotion of education and protection of the interest of the consumer or a company registered under section 25 of the Companies Act, 1956 (1 of 1956);

(e) "Nodal Officer" means the officer appointed or designated by the Authority under regulation 3;

(f) "regulations" means the Registration of Consumer Organisations Regulations, 2013;

(g) 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.

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CHAPTER-II

APPOINTMENT OF NODAL OFFICER AND REGISTRATION OF CONSUMER ORGANISATIONS

3. Appointment of Nodal Officer.- The Authority shall, within ten days of commencement of these regulations, appoint or designate one of its officers as Nodal Officer for the purposes of these regulations.

4. Registration of consumer organization.-(1) A consumer organisation, fulfilling the eligibility criteria specified under regulation 5, may apply for registration with the Authority in the Registration Form annexed to these regulations.

(2) The Authority may, from time to time, decide the number of consumer organisations which may be registered by the Authority from a State or Union Territory.

5. Eligibility criteria for registration of consumer organization.- A consumer organization shall be eligible for registration with the Authority if it is-

(a) involved in consumer education and protection of the interest of the consumers;

(b) a non-profit and non-political organization; and

(c) on the date of its application to the Authority for registration, having a minimum of three years of experience, after its registration as consumer organisation, in—

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(i) dealing with consumer complaints and redressal of consumer grievance regarding deficiency in services;

(ii) advocating cause of the consumers;

(iii) undertaking research projects or surveys on consumer issues;

(iv) undertaking study and research projects on matters relating to protection of interest of the consumers of telecommunication and broadcasting services; and

(d) capable of interacting with the Authority through electronic media.

6. Application for registration.- An eligible consumer organisation desirous of registering with the Authority may make an application, to the Nodal Officer, in the Registration Form referred to in sub-regulation(1) of regulation 4 enclosing therewith the following, namely:-

(i) a legible copy of its registration certificate as consumer organisation duly attested by a Gazetted Officer or Judicial Magistrate;

(ii) a legible copy of its Memorandum of Association and bye-laws duly attested by a Gazetted Officer or Judicial Magistrate;

(iii) an affidavit stating that it is a non-political and non-profit organisation duly authenticated by a Notary Public or Oath Commissioner or Judicial Magistrate;

(iv) a list of its office bearers appointed, as per its Memorandum of Association and bye-laws, along with their names, designation,

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address, profession, the date from which the post is held in the consumer organization and the term of office;

(v) copies of its annual report, annual audited statement of accounts and a statement showing sources of funds for the previous two financial years duly authenticated by authorized representative of the consumer organisations; and

(vi) copies of documents in support of work done by the consumer organisation to protect the interest of consumers during the previous three financial years alongwith newspaper reports, photographs of its activities and reports on research or survey, if any, conducted by the consumer organisation during the said period.

Note: In case the original copy of the documents mentioned in clauses (a), (b), (c), (d), (e) and (f) are not in English or Hindi, translated copies of such documents in English shall be submitted with an affidavit affirming that the translated version is true copy of the original document and such affidavit shall be duly authenticated by a Notary Public or Oath Commissioner or Judicial Magistrate.

7. Procedure for registration.-(1) The applications for registration received from the consumer organizations under regulation 6 shall be considered by the Authority and it may, at its discretion, register a consumer organization which fulfills the eligibility criteria specified under these regulations.

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(2) A consumer organization on registration under sub-regulation (1) shall be given a registration number.

(3) The registration of a consumer organization shall be valid for a period of two years from the date of its registration.

(4) The name, address and contact details of the consumer organizations registered with the Authority shall be displayed on the website of the Authority.

(5) The registration of a consumer organization shall not confer any right or claim upon such organization.

8. Renewal and cancellation of registration.-(1) A consumer organization registered with the Authority may, at least ninety days prior to the expiry of its registration, make an application, to the Nodal Officer, in the Registration Form referred to in sub-regulations (1) of regulation 4 alongwith the document mentioned under regulation 6, for renewal of its registration.

(2) A consumer organization shall be eligible for renewal of its registration with the Authority if it meets the eligibility criteria for registration and has fulfilled the role assigned to it under these regulations.

(3) The registration of a consumer organization may be extended by the Authority for a further period of two years.

(4) A consumer organisation may request the Authority for cancellation of its registration by giving a notice of one month and on expiry of the said notice period, the registration of the organization shall automatically stand cancelled:

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Provided that an organization shall not be eligible for cancellation of registration if it has undertaken any work on behalf of the Authority and the assignment has not been completed to the satisfaction of the Authority.

(5) The Authority may cancel the registration of a consumer organization, if it has-

(a) failed to fulfill its role under these regulations; or

(b) become ineligible for registration with the Authority; or

(c) conducted itself in a manner prejudicial to the interest of the consumers; or

(d) misused the name of the Authority in any manner.

9. Obligations of the consumer organization.-(1) Every consumer organization registered with the Authority shall, while communicating with the Authority, quote registration number allotted to it under sub-regulation (2) of regulation 7.

(2) Every consumer organization shall submit to the Authority, by the 31st October of every financial year,-

(a) a copy of its annual report and audited statement of accounts of the previous financial year;

(b) a detailed report of its activities carried out during the previous financial year; and

(c) a statement showing sources of its funding during the previous financial year.

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CHAPTER – III

Interaction with Consumer Organisation and their role

10. Interaction with consumer organization.-(1) A consumer organisation registered under these regulations may interact with the Authority, for the purposes of these regulations, through Nodal Officer.

(2) Every consumer organization registered under these regulations shall intimate to the Authority the name, designation and address of its representatives nominated by it for interacting with the Nodal Officer.

(3) The primary mode of interaction between the Authority and the consumer organizations shall be the electronic media.

11. Role of the Consumer Organisation.-(1) It shall be the responsibility of every consumer organization registered with the Authority to-

(a) work for protection and propagation of the interest of the consumers;

(b) report to the Authority-

(i) the generic problems faced by consumers;

(ii) any false and misleading advertisement published by the service providers;

(iii) any abuse or harassment of consumers by the service providers;

(iv) violation of any regulations, direction or order issued by the Authority; and any unfair practice adopted by the service providers adversely affecting the interest of the consumers;

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(c) undertake programs to educate consumers about various measures taken by the Authority for protection of the interest of the consumers;

(d) conduct study and survey on matters relating to telecom and broadcasting services and protection of the interest of the consumers and share the findings of such study and survey with the Authority;

(e) participate in the consultation process of the Authority and furnish its response to the consultation paper, draft regulations released by the Authority soliciting comments of the stakeholders;

(f) participate in the interactive meetings organized by the Authority with the consumer organisations;

(g) work for propagation and protection of the interest of differently abled consumers of telecom and broadcasting services;

(h) interact with the service providers for redressal of the complaints received from the consumers;

(i) interact with the Central Government and the State Governments for the protection of the interest of the consumers;

(j) participate in the advisory committees of the appellate authorities established by the service providers; and

(k) carry out activities entrusted to it by the Authority, on such terms and conditions, as may be agreed between the consumer organisation and the Authority.

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CHAPTER - IV
MISCELLANEOUS

12. Repeal and Saving.-(1) The Regulation on Guidelines for Registration of Consumer Organisations/Non-Government Organisations (NGOs) and their Interaction with TRAI, 2001 (1 of 2001) is hereby repealed;

(2) Notwithstanding such repeal, anything done or any action taken under the said regulation shall be deemed to have been done or taken under the corresponding provisions of these regulations;

Provided that the registration of the consumer organisations registered under the said regulation shall stand cancelled and such organisation may submit fresh application under these regulations for registration with the Authority.

13. Interpretation.- In case of doubt regarding interpretation of any of the provisions of these regulations, the clarification issued by the Authority shall be final and binding.

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Note: The Explanatory Memorandum explains the objects and reasons of Registration of Consumer Organisations Regulations, 2013.

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REGISTRATION FORM

(see regulation 4)

Application for Registration of Consumer Organisation

S. No	Item	Details
1	Name and address of the consumer organisation Telephone No. Fax/Email id Website address	
2	Details of registration number, date of registration, the state in which registered, the designation of the registering authority, validity of the registration and the name of Act under which registered. (Attach a legible copy of the registration certificate as consumer organisation duly attested by a Gazetted Officer or Judicial Magistrate)	
3	Primary objective of establishment of the consumer organization as per its constitution/Memorandum of Association (Attach a legible copy of the Memorandum of Association and bye-laws duly attested by a Gazetted Officer or Judicial Magistrate)	
4	Whether the consumer organisation is a non-profit	

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	and non-political organisation- (Attach an affidavit duly authenticated by a Notary Public or Oath Commissioner or Judicial Magistrate certifying that the organisation is non-political and non-profit making)	
5	Date of holding last Annual General Meeting and last elections to the Executive Committee (Attach a list of office bearers appointed, as per the Memorandum of Association and bye-laws, along with their names, designation, address, profession, the date from which the post is held in the consumer organization and the term of office)	
6	Please indicate the total income during the previous two financial years, separately for each year. Also attach copies of annual report, annual audited statement of accounts and a statement showing sources of funds during the previous two financial years duly authenticated by your authorized representative.	
7	Whether the consumer organization was earlier registered with the Authority? If so, indicate registration number and date of registration.	

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8.	Whether the organisation is capable of interacting with the Authority through electronic media? (Please give details in this regard)	
9.	Organizational activities undertaken during the previous three years (Please tick on the items applicable to you and furnish details on separate sheets. Also enclose copies of documents in support of work done to protect the interest of consumers alongwith newspaper reports, photographs and reports on research or survey done) (a) Consumer education and protection of the interest of the consumers (b) Dealing with consumer complaints and redressal of consumer grievance regarding deficiency in services (c) Advocating cause of the consumers (d) Undertaking research projects/surveys on consumer issues (e) Undertaking study and research projects on matters relating to protection of interest of the consumers of telecommunication services (f) Handling of issues related to Telecom Consumers	

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10	Whether documents against items at S.No.2, 3, 4, 5, 6 and 9 are enclosed?	
11	No. of documents enclosed (Attach list in a separate sheet)	

Note: In case the original copy of the documents mentioned at S.No.2, 3, 4, 5, 6 and (9) are not in English or Hindi, translated copies of such documents in English shall be submitted with an affidavit affirming that the translated version is true copy of the original document and such affidavit shall be duly authenticated by a Notary Public or Oath Commissioner or Judicial Magistrate.

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CERTIFICATE

This is to certify that above information is true and correct to the best of our knowledge. We will abide by the decision of the Authority on our application for registration with the Authority.

If any of the above information is found to be false or incorrect at any point of time, our registration may be cancelled by the Authority.

Signature of Authorized

Office Bearer of applicant

Name.....
Designation.....

Place:
Date:

Office Seal

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EXPLANATORY MENORANDUM

In order to discharge functions entrusted to the Authority under the Telecom Regulatory Authority of India Act, 1997, it follows a consultative and transparent approach by conducting open house sessions involving service providers, consumers, consumer organisations, NGOs etc. Among various stakeholders of telecommunications services, consumers are the largest. It is not practically possible for TRAI to interact with every consumer. Consumer Organisations or NGOs can, therefore, provide a major linkage/ interface between the consumers and the Authority, ensuring efficient discharge of its functions. Recognizing this fact, TRAI had notified the Regulation on Guidelines for Registration of Consumer Organisations/NGOs and their Interaction with TRAI, 2001 in January, 2001.

2. The recent registration process has brought to light certain deficiencies in the Regulation on Guidelines for Registration of Consumer Organisations/NGOs and their Interaction with TRAI, 2001. The applicant organisations were facing inconvenience and difficulties in proper filing of applications and at the same time, in the absence of proper documentations, TRAI was facing problems in screening and scrutiny of applications. Hence, a need was felt to introduce clear and transparent guidelines regarding the documents to be filed along with application for registration, selection process adopted by the Authority, process of renewal of registration, obligation and role of registered consumer organisations.

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3. Some of the infirmities observed in the "Registration of Consumer Organisations/NGOs and their Interaction with TRAI, 2001" regulations are summarized below:

- The regulation does not mandate submission of authenticated translation of vital documents such as registration certificate, Memorandum of Associations, Rules & Regulations of the Organizations, Annual Report/activity report etc. in Hindi or English, in case the originals are in vernacular language.
- The regulation stipulates that the applicant organisations to be non-profit and non-political. It, however, does not prescribe the document to be submitted to establish the non-profit non-political status of the organization.
- The selection process, screening of application, criteria adopted for selection and rejection of applications are not defined.
- The regulation also does not clearly prescribe the procedure for renewal of registration, exit policy for the registered organisations or grounds of removal from the registered list.
- The regulation also does not provide for verification of the credentials of an organization to represent the consumers at the national level.

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4. In order to remove the infirmities and deficiencies noticed in the regulations and to streamline the registration process, it was found necessary to bring out new regulations, clearly prescribing the documents to be filed along with the application form, selection process adopted by the Authority, process of renewal of registration, obligation and role of registered consumer organisations. Accordingly, the draft "Registration of Consumer Organisations Regulations, 2012 (2 of 2012)" were released on 26.11.2012, seeking the comments of the stakeholders.

5. During the consultation process, while most of the stakeholders have agreed with the proposed draft regulations, there were concerns on some of the proposed regulations.

6. Some of the stakeholders had expressed concerns on the definition of the "Act". Their concerns have been adequately addressed in the regulations as the provision in the regulations covering registration under "any other Act" includes registration under any relevant Act enacted by the Central Government or the State Government.

7. Some of the stakeholders had suggested that consumer organisations dealing with consumer issues relating to telecom sector should be given preference for registration. At present there is no such restriction in the regulations on the number of consumer organisations which can be registered from a State or a Union Territory. But in case the Authority decides to restrict the number of consumer organisations from a State or Union Territory and the number of consumer organisations who have applied for registration is more

than such number, priority will be given to those consumer organisations who have experience in handling consumer issues relating to telecom sector.

8. Some of the stakeholders had also suggested that the tenure and the renewal period of the consumer organisations may be increased from the proposed two years. The analysis of work done by the organization in the first two years will give TRAI an idea about the capability of the organization and its usefulness to TRAI. This will enable TRAI to take decision as to whether the tenure can be extended or not. The initial registration period of three years as suggested by some of the organisations will be a long period for assessing the capabilities. It will also deprive TRAI to take remedial action, in case of non-performing organisations.

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9. In order to bring in uniformity in the selection process and to ensure that organisations genuinely interested in consumer welfare are registered, the Regulation on Guidelines for Registration of Consumer Organisations/NGOs and their Interaction with TRAI, 2001 has been repealed and the CAGs, which were registered in terms of the above regulation, have to apply afresh in terms of the new regulations.