

Regulation on Guidelines for Registration of Consumer Organizations/non-Government Organizations (NGOS) and their interaction with TRAI, 2001

UNION OF INDIA

India

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Rule

REGULATION-ON-GUIDELINES-FOR-REGISTRATION-OF-CONSUMER of 2001

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Notification No. F. No. 108-4/98-TRAI (Tech.), dated 15.1.2001. - In exercise of the powers conferred upon it under sub-section (1) of section 36, read along with sub-clause (v) of clause (b) of sub-section (1) of section 11 of TRAI (Amendment) Act 2000 so as to protect the interest of consumers of telecommunication service, the Telecom Regulatory Authority of India hereby makes the following Regulation.Section-I

1. Short title, extent and commencement.

- (i) This Regulation shall be called Regulation on Guidelines for Registration of Consumer Organizations/Non-Government Organizations (NGOs) and their Interaction with TRAI, 2001.(ii)This Regulation prescribes the guidelines for the registration of the Consumer

Organizations & NGOs and their interaction with TRAI.(iii)This Regulation shall be applicable to
-(a)All Consumer Organizations concerned with cause of users of telecommunication services throughout the territory of India.(b)All Non Government Organizations (NGO) concerned with telecommunication services in the territory of India.(iv)This Regulation shall come into effect from the Fifteenth day of January 2001.**SECTION-II**Guidelines For Registration Of Consumer Organizations/non-Government Organizations (Ngos) And Their Interaction With Trai

2. Criteria for Registration of consumer organisation/NGOs.

- The criteria for the registration for consumer organisations/ NGOs with TRAI are as follows
:(i)The consumer organisations and NGOs should be those registered either under Societies Act or Companies Act. The organisations registered with MRTPC and BISshall also be eligible for registration with TRAI.(ii)The organisations should be non-profit and non -political.(iii)The organisations should have a minimum three-years of experience in the areas of representing views of consumers.

3. Rules Governing Registration.

-(i)All the organisations interested in getting themselves registered with TRAI, should submit their application along with Registration Form, which is enclosed at Annexure `A'.(ii)TRAI will complete the registration process within 45 days of receipt of a complete Registration Form along with all the enclosures indicated in the Registration Form.(iii)The Organisations, which are found suitable for registration with TRAI, will be sent a written communication bearing Registration Number allocated uniquely to them.(iv)The Registration Number will have to be quoted by the registered organisation in every correspondence with TRAI.(v)The registered organisation will provide audited annual report to TRAI on yearly basis.(vi)The registration will be valid initially for a period of two years.(vii)The renewal of registration, beyond a period of two years, could be considered by TRAI on a specific request made by the already registered organisation, wherein the Organisation will have to provide additional information, if required by TRAI.(viii)The Organisations, which are at present registered with TRAI will have to apply afresh for registration as per the procedure stipulated above.(ix)In the event of the TRAI observing any conduct on the part of consumer organisation, unbecoming of such an organisation, the TRAI will have the right to cancel the registration after advising the reason, and that the TRAI's decision in this regard will be final.

4. Interaction with TRAI.

-(i)All consumer organisations /NGOs may interact with TRAI. Specific facilities mentioned below will, however, be available only to consumer organisations / NGOs registered with TRAI.(ii)The registered organisations shall be informed to attend open house discussions held by TRAI on various issues.(iii)An open regular two way communication channel will be maintained with the consumer organisations and NGOs registered with the Authority, with the objective of sharing additional data/ information and discussions over and above what is shared through other channels.(iv)In addition to the open house discussions held in various parts of the country, TRAI shall hold half yearly meetings with registered consumer organisations to increase interaction for

better understanding of the problems of consumers across the country. These meetings may be organised in different parts of country for better participation.(v)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.(vi)All the Consumer Organizations/NGOs will interact with a Nodal Officer in TRAI for the purpose of registration and consumer related issues. Senior Research Officer (Administration and legal) Shri Mathew Palamattam, present incumbent is appointed as Nodal Officer who shall interact with Consumer Organisations/NGOs on sustained basis.

5. Mode of Data sharing.

-(i)TRAI shall continue to share information through various consultation papers, through website, e-mail and letters.(ii)The consumer organizations/ NGOs shall also submit the data available with them regarding the customer perception about the telecom services being provided by various service providers and information on other issues, which may be used for the benefit of the consumers.(iii)The information about any survey, opinion poll conducted by any consumer organizations/NGOs shall be shared with TRAI either free of cost or through a reasonably priced document.Section III

6. Review.

- (i) The Authority may, from time to time, review and modify guidelines for Registration of Consumer Organizations/NGOs and their Interaction with TRAI, 2001.(ii)The Authority, on reference from any affected party, and for good and sufficient reasons, may review and modify this regulation.Section IV

7. Explanatory Memorandum.

- This regulation contains at Annexure `B', an Explanatory Memorandum detailing the need for this regulation and the process adopted by the Authority.Section V

8. Interpretation.

- In case of disputes regarding interpretation of any of the provisions of this Regulation, the decision of the Authority shall be final and binding.Annexure `A'Registration FormFormat for Application for Registration of NGO/Consumer Organization with TRAI

1. Name and address of Organisation
Telephone No.
Fax/Email
2. Details of registration. (Attach a copy of registration certificate)
3. Whether Constitution/Memorandum of Association and Rules and Regulations for the Yes /

- organization have been framed, if yes, a copy to be enclosed No
4. Name, address and profession of the present office bearers and members of the Governing Council showing the position held in the organization
- Whether any office bearer is having any commercial/business relationship or position in
5. any corporate/business house, and if so, indicate the name and address of the organizations and nature of relationship / position/share etc.
6. Details of members i.e. patron, life, individual, institutional members.
7. Details of Infrastructure
- Premises: Own / Rental
- Manpower: Full/part Time (Paid/Voluntary)
- Network: Local Regional
- Resource Persons: Available (Y/N)
8. Organizational Activities Specific Area of Activity (Please tick as applicable)
- a. Handling issues related to Telecom Consumers
- b. Handling consumer complaints
- c. Research projects/surveys.
- d. Consumer Education/Training
- e. Consumer Lobbying/Advocacy
- f. Legal Advice service
- g. Consumer Litigation
- h. Comparative product Testing
- i. Regular press columns
- j. Consumer Representations
- k. Publishing consumer letters
- l. Consumer magazines
- m. Any other activity (Please specify)
9. Source Of Funds
- (Last three years)
- (a) Individual donations/ contributions/ membership fee
- (b) State Government
- (c) Central Govt.
- (d) Funding Agencies
1. Indian
2. Foreign (Regn. Certificate copy)
- (e) From Business sources
- (f) Others (Please attach copy of Last audited Statement of final accounts)
10. Whether any publication/survey work has been done in the areas of telecom, if so, attach a copy of the report.

11. Whether any response to the TRAI Consultation Papers has been made during the last two years and if so, attach copy/copies thereof.
12. Whether you have capability of networking to conduct survey/study on All India basis(Give details)
13. Furnish Activity report of the Organization in the last three years.

This is to certify that above information has been furnished to the best of our knowledge. We will abide by the decision of TRAI on this application. If any of the above information is found to be incorrect any point of time, TRAI will be justified in revoking the registration. Signature of Authorized Office Bearer of applicant Annexure 'B' Explanatory Memorandum Telecom Regulatory Authority of India (Amendment) Act, 2000, in addition to other functions, under Section 11(1) (b) (v), 11(2) and 11(1) (b) (ix) provides for the functions related to monitoring of quality of telecommunication service, setting of tariffs for telecommunication service provided by the service providers and ensuring effective compliance of universal service obligations respectively. In order to discharge these functions, the Authority follows a consultative and transparent approach by conducting open house sessions involving service providers, Consumer Organisations, NGOs etc. Among various stakeholders of telecommunications services, consumers are the largest in number. Agencies such as Consumer Organisations and NGOs provide a major linkage/ interface with the Authority for efficient discharge of its functions. TRAI recognized the need to register Non-Government Organisations (NGOs) and Consumer Organisations in the telecommunication sector and accordingly, a format was prescribed by the Authority for eliciting information pertaining to the registration. A public notice was issued in March 1998 for information of all concerned to get them registered with TRAI. In response to the above notice, 9 Consumer Organisations and 3 NGOs applied for registration. As on date 12 Consumer Organisations and 4 NGOs are registered with TRAI. The Authority felt that a more concerted effort was required to give effect to its links with the consumer Organisations/ NGOs. Accordingly a Consultation Paper titled Registration for NGOs and Consumer Organisations and their interaction with TRAI was released on 24-10-2000 with the following objectives :-(i) Registration of consumer organizations/ NGOs with TRAI; and (ii) To determine the mode of interaction and data sharing with TRAI by Consumer Organizations/ NGOs. An Open House for discussions was held in Delhi on 31.10.2000. The written comments submitted by various organizations and comments received in Open House Discussions have been analyzed. The Authority has also taken account of a Registration Form that was provided by Consumer Organization working together on that form. Analysis of these comments reflect the following view points on various major issues thrown open for public consultation in TRAI consultation paper. (A) Registration (i) Majority of the opinion was that there is a need for registration of Consumer Organisations/ NGOs with TRAI. (ii) The criteria for registration suggested in TRAI Consultation paper was considered adequate, some additional points regarding registration under MRTP Act, Bureau of Indian Standards were suggested. It also came out during discussions that Consumer Organizations should be non-profit and non-political. The minimum of three years of standing in the expertise in the areas of representing views of consumers were also suggested, for incorporation in registration criteria. (iii) The Consumer Organizations volunteered that they will devise a format for registration from and that can be taken as a basis for initiating a registration process. (B) Interaction with TRAI The general opinion expressed during Open House discussions and in written comments is that all the Consumer Organizations/NGOs should be eligible for interaction with TRAI. They also expressed their desire that TRAI should periodically have a

separate meeting with various registered Consumer Organizations/NGOs for a better understanding of consumer problems. These meetings were proposed to be held in different parts of the country so that the local and regional organizations can also express their views to TRAI. In such meetings the basis for tariff setting and all other such issues, which has direct bearing on consumers, may also be discussed. There was a request that TRAI should appoint a Nodal Officer who shall interact with Consumer Organizations/ NGOs on sustained basis.(C)Mode of Data SharingMode of Data Most of the Organizations felt that TRAI may continue to share the information and data with them through various Consultation Papers, Web based information, through e-mail and letters. The periodical meetings with Consumer Organization/NGOs, as proposed above, will further strengthen the mode of data sharing.