

RJIL/TRAI/2023-24/148

14<sup>th</sup> August 2023

To,

**Sh. A.K. Singh,**

**Advisor (CA&IT)**

**Telecom Regulatory Authority of India,**

Mahanagar Doorsanchar Bhawan,

Jawaharlal Nehru Marg, New Delhi – 110002.

**Subject: RJIL's Comments on TRAI's Draft Regulation on "The Telecommunication Consumer Education and Protection Fund (Sixth Amendment) Regulations, 2023".**

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the TRAI's Draft Regulation dated 24.07.2023 on "**The Telecommunication Consumer Education and Protection Fund (Sixth Amendment) Regulations, 2023**".

Thanking you,

Yours Sincerely,

For **Reliance Jio Infocomm Limited**

**Kapoor Singh Guliani**

Authorized Signatory

**Enclosure:** As above

**Reliance Jio Infocomm Limited's comments on draft  
Telecommunication Consumer Education and Protection Fund (Sixth Amendment  
Regulations, 2023)**

1. Reliance Jio Infocomm Limited ("RJIL") is thankful to the Authority for providing an opportunity to comment on the draft regulation. At the outset, we submit that RJIL has no comment to offer on banking and consumer protection Act related changes proposed in the draft Regulation, as these are necessary and expedient changes.
2. **We are taking this opportunity to bring the Authority's attention to a few subsisting issues pertaining to the Telecommunication Consumer Education and Protecting Fund Regulations ("Regulations").**

**A. Consumer Education and Protection**

3. We submit that the Regulations were primarily framed to utilize the excess and un-refundable amount from telecom subscribers for their education and protection. We are extracting and reproducing a few relevant excerpts from the explanatory memorandum to the main Regulations dated 15<sup>th</sup> June 2007

*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....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.*

4. With the technological paradigm shift over last few years, the tenets of consumer education and protection need to be revised. The consumer awareness workshops over the years, backed by prevailing flat tariffs and unlimited voice and data plans have led to a situation where the consumer may require to learn more about abuse of

telecom services by unscrupulous fraudsters and other risks more than the traditional areas of consumer education.

5. Therefore, we request the Authority to focus more on following areas for consumer protection.
  - a. Awareness of Financial Frauds and steps to avoid being a victim.
  - b. Cyber-crimes and steps to prevent them.
  - c. Awareness of Telecom Tower related frauds and steps to avoid these.
  - d. Misconceptions about EMF radiations and the need of telecom towers for communication needs.

#### **B. Utilization of Telecommunication Consumers Education and Protection Fund (“Fund”)**

6. As mentioned in previous section, the purpose of the Fund was telecommunication consumer’s education and protection of their interests, therefore this Fund should be primarily used for the defined purpose.
7. Nevertheless, we understand the predicament and cost implications for the nominated CAG members, however, the same can be easily addressed by online meetings. Online meetings is a part of the New Normal, and everybody is adept at attending such meetings without any extra cost implications or reserving days for travel etc.
8. Therefore, we submit that the meeting of the Committee for Utilisation of Telecommunication Consumers Education And Protection Fund (“CUTCEF”) should be held in a most convenient and successful mode of online meetings. This will ensure wider participation of the members as also seen in Authority’s online open house discussions. This would also enable the Authority to permit all 3 TSP members of COAI to attend the CUTCEF meetings, the reasons for which are discussed in subsequent sections.
9. Irrespective of the above submissions on online meetings for CUTCEF, in case a need is felt for physical meetings, then we bring your kind attention to the Regulation 7 extracted and reproduced below:

*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.*

10. Evidently, the entire purpose of the committee under the Regulation is to assist the Authority in utilizing the amounts collected under the Regulations. Therefore, we submit that as the overall purpose of deliberations of the committee is to work for consumer welfare, the expenses borne by all members for such meeting should be borne from the incomes referred in clause (b) of sub-regulation (2) of regulation 5.
11. **Accordingly, we submit that the expenses of all the members, including the COAI nominated members, for attending the CUTCEF meeting should be borne from incomes of the Fund.**

#### **C. Customer Outreach Workshops by Telecom Service Providers**

12. We submit that a very important mode of consumer education is the customer outreach workshops held by telecom service providers (TSPs). **Although, these workshops are not covered under the current Regulations, the aim and objectives of these workshops are aligned with the objectives of the Regulations.**
13. We request the Authority to bring these workshops under the purview of this Regulation. **The TSPs should be encouraged to hold a large number of workshops through online mode, as in the post COVID-19 world, this medium has maximum reach and acceptability, as also seen with extensive online participation in TRAI's online open house discussions (OHD). We submit that there should be no restriction on holding these workshops online and this mode should be permitted in perpetuity in line with online OHDs.**
14. **In addition, there should be provisions for holding physical workshops as well, for the consumers that are still not digital. However, these workshops should not be mandatory and the cost of holding these physical workshops should be borne from the incomes of the Fund.** The concerned service provider may be required to apply to the Authority for reimbursement of the expenditure incurred on holding such physical workshop. Thereafter, based on examination and recommendations of the committee, the reimbursement may be made to the concerned service provider, after the approval of the Authority.

#### **D. Fair representation of TSPs in CUTCEF**

15. We submit that the industry Association COAI has been representing to the Authority that its three members viz. Reliance Jio Infocomm Limited, Bharti Airtel Limited and

Vodafone Idea Limited should be fairly represented in CUTCEF and it should be provided 3 nominations to CUTCEF.

16. We submit that this is a fair demand for fair representation for major contributors to CUTCEF and should be accepted by the Authority. The TSPs through their front offices, customer care, sales teams etc. are the largest repositories of consumer feedback on the services. While this feedback is used to improve upon the consumer services, however, the same can also be leveraged to improve the measures for consumer welfare and protection.
17. Furthermore, and **without prejudice to our contentions that the cost of all participants in CUTCEF meetings should be borne from the Fund**, it is worthwhile to mention that at present, despite of the COAI representative bearing their own cost of attending the meetings and despite making maximum contribution to the Fund, are restricted to a limited participation, which is completely unfair. **Therefore, we reiterate that none of 3 major telecom service providers be kept out of CUTCEF deliberations and all 3 should be made full and permanent members of CUTCEF.**

#### **E. Refund of amount to customer post the same has been deposited in the Fund**

18. We submit that vide the Regulation 16, the Authority has made provisions for refund to customer of the amount already submitted by TSP to the Fund, however, the reimbursement has been unnecessarily complicated by making it subject to the deliberations of the committee and subsequent approvals.
19. We submit that as the refund will be only processed basis an order by a Consumer Forum or any court or tribunal, there should not be a requirement of deliberations and approvals for reimbursements and the TSPs should be permitted to deduct the applicable amount from the next upcoming dues to the Fund, under intimation to the committee. Accordingly, we request that the sub-regulation of Regulation 16 should be modified as below.

*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~~ deducted by the service provider from*

*amount payable in the Fund under intimation to the Committee and after the approval of the Authority.*

20. To summarize, we submit as follows:

- 1. The focus of consumer awareness workshops should be aligned with new realities like Financial Frauds, Cyber Crimes, Tower Frauds etc.**
- 2. The workshops should also focus more on dispelling the notions on EMF radiations.**
- 3. The TSP held workshops should be permitted to be held online for better consumer connect. However, wherever physical workshop is required the cost should be borne from the Fund.**
- 4. The CUTCEF meetings should be held online, and the Fund should be used for consumer welfare and education measures.**
- 5. If the physical meetings of CUTCEF are necessary, the expenses of all the members, including the COAI nominated members, for attending the CUTCEF meeting, should be borne from incomes of the Fund.**
- 6. COAI representation in the CUTCEF should be increased to 3 members.**
- 7. The TSPs should be permitted to deduct the applicable amount payable to customers under Consumer Forum or court orders from the next upcoming dues to the Fund, under intimation to the committee.**