

**Email****Sushil Kumar**

---

**Fwd: CUTS Comments on TRAI CP on Draft Registration of Consumer Organisations (Amendment) Regulations, 2023**

---

**From :** S.M.K. Chandra <ja-cadiv@trai.gov.in> Mon, Oct 23, 2023 10:41 AM  
**Subject :** Fwd: CUTS Comments on TRAI CP on Draft Registration of Consumer Organisations (Amendment) Regulations, 2023 📎 1 attachment  
**To :** Sushil Kumar <to-cadiv2@trai.gov.in>  
**Cc :** Deputy Advisor TRAI <daca@trai.gov.in>

---

**From:** "A.K Singh" <advisorit@trai.gov.in>  
**To:** "S.M.K. Chandra" <ja-cadiv@trai.gov.in>  
**Sent:** Friday, October 20, 2023 5:39:34 PM  
**Subject:** Fwd: CUTS Comments on TRAI CP on Draft Registration of Consumer Organisations (Amendment) Regulations, 2023

---

**From:** kju@cuts.org  
**To:** "A.K Singh" <advisorit@trai.gov.in>, "S.M.K. Chandra" <ja-cadiv@trai.gov.in>  
**Cc:** amk@cuts.org, ars@cuts.org, vs1@cuts.org  
**Sent:** Friday, October 20, 2023 5:10:44 PM  
**Subject:** CUTS Comments on TRAI CP on Draft Registration of Consumer Organisations (Amendment) Regulations, 2023

Dear Shri Singh,

Greetings!

[CUTS](#) expresses its gratitude to the Telecom Regulatory Authority of India (TRAI) for inviting comments on the [Consultation Paper](#) on Draft Registration of Consumer Organisations (Amendment) Regulations, 2023.

We are pleased to submit our comments on it, which have been attached herewith for your kind perusal. We would be grateful if you could kindly acknowledge receipt of the same.

We are keen to engage with TRAI on this proposed amendment and look forward to your kind positive response in this regard.

Please feel free to reach out to us, in case of any queries/clarifications.

Thanking you,

Warm regards,

**Krishaank Jugiani**  
**Research Associate**

CUTS International, Jaipur  
Tel: +91 141 2282821-3 Ext:112  
Fax: +91 141 2282485  
Mobile: +91-8813002713



Email: [kju@cuts.org](mailto:kju@cuts.org)  
Web: [www.cuts-ccier.org](http://www.cuts-ccier.org)

**Also at Lusaka, Nairobi,  
Accra, Hanoi, Geneva, Delhi,  
Calcutta and Washington,  
D.C**

---

---

**CUTS Submission to TRAI on Registration of Consumer Organisations  
(Amendment) Regulations.pdf**



274 KB

---

# TRAI Consultation Paper on *the draft Registration of Consumer Organisations (Amendment) Regulations, 2023*

## CUTS Comments

### **Background**

Consumer Unity & Trust Society (CUTS) expresses its gratitude to the Telecom Regulatory Authority of India (TRAI) for inviting comments and suggestions on the draft Registration of Consumer Organisations (Amendment) Regulations, 2023.

### **About CUTS**

CUTS<sup>1</sup> is an independent, nonpartisan, and non-profit policy think tank that has been working towards enhancing the regulatory environment through evidence-based policy and governance-related interventions across various sectors and boundaries. In its 39 years of operation, CUTS has come a long way from being a grassroots consumer centric organisation headquartered in Jaipur, having centres in Delhi<sup>2</sup>, and Kolkata<sup>3</sup>, to now opening overseas Resource Centres in Vietnam<sup>4</sup>, Kenya<sup>5</sup>, Zambia<sup>6</sup>, Ghana<sup>7</sup>, Switzerland<sup>8</sup>, and in the United States of America.<sup>9</sup> CUTS has been actively representing consumers' interest before different state governments and central government ministries through various programme centres, namely: Centre for International Trade, Economics & Environment (CITEE)<sup>10</sup>; Centre for Consumer Action, Research & Training (CART)<sup>11</sup>; Centre for Human Development (CHD)<sup>12</sup> and Centre for Competition, Investment & Economic Regulation (CCIER).<sup>13</sup>

### **CUTS Submission on Draft Amendments**

CUTS welcomes the draft amendments to Registration of Consumer Organisations Regulations, 2013 with the provision of enabling registration of national level consumer organisations. It is commendable that TRAI has been proactive in recognising the importance of establishing national consumer organisations to raise awareness about the benefits of emerging technologies such as 5G, 6G, Artificial Intelligence (AI), Internet of Things (IoT), and other advancements in this rapidly evolving digital landscape.

All consumers are potentially vulnerable to the threats posed by emerging technologies due to factors such as the emergence of the complexity of digital products, remote interactions and the use of technologies like blockchain.<sup>14</sup> However, digitally disadvantaged consumers such as the

---

<sup>1</sup> [CUTS International – Consumer Unity & Trust Society \(cuts-international.org\)](https://cuts-international.org)

<sup>2</sup> [CUTS Delhi Resource Centre](#)

<sup>3</sup> [CUTS CRC](#)

<sup>4</sup> [CUTS HRC](#)

<sup>5</sup> [CUTS Nairobi](#)

<sup>6</sup> [CUTS Lusaka](#)

<sup>7</sup> [CUTS Accra](#)

<sup>8</sup> [CUTS Geneva](#)

<sup>9</sup> [CUTS WDC](#)

<sup>10</sup> [CUTS Citee](#)

<sup>11</sup> [CUTS Cart](#)

<sup>12</sup> [CUTS CHD](#)

<sup>13</sup> [CUTS CCIER](#)

<sup>14</sup> [Consumer protection in the digital environment](#)

elderly and women may face heightened vulnerability when navigating these emerging technologies due to their limited ability to critically assess information, lower literacy levels, or challenges in comprehending digital content.<sup>15</sup> These consumer harms and challenges include digital exclusion, discrimination and profiling, privacy breaches and data security threats and ethical concerns such as bias in algorithms. These challenges require, in addition to oversight, ethical development, and regulatory adaptation; consumer awareness and empowerment to ensure technology serves their best interests while mitigating potential harms.<sup>16</sup>

In this regard, TRAI's efforts to register national level consumer organisations is a welcome step. The consumer organisations have a pivotal role in promoting emerging technologies' benefits, especially for marginalised communities like women, farmers, and students. They drive safe cyber practices and data privacy awareness through workshops and advocacy efforts. In particular, consumer organisations have historically made a significant contribution to the advancement of consumer protection legislation, and the use of collective pressure.<sup>17</sup>

CUTS, in its capacity as a consumer organisation has undertaken various studies in area of inclusive digital economy<sup>18</sup> and consumer protection<sup>19</sup> on issues such as protecting children's data,<sup>20</sup> understanding consumer's perspective on encryption,<sup>21</sup> consumer grievance redressal,<sup>22</sup> multi-party privacy,<sup>23</sup> selective banning of OTT services<sup>24</sup>, digital competition<sup>25</sup>, competitive neutrality<sup>26</sup>, Online Gaming<sup>27</sup>, dark patterns<sup>28</sup> and cyber safe east India: workshops on cyber security for MSMEs and women entrepreneurs (Phase I<sup>29</sup>, II<sup>30</sup> & III<sup>31</sup>).

CUTS has also conducted various studies and events in the telecommunication sector focussing on consumer awareness and perspectives, such as *Demystifying Reality from Myth for 5G in India*;<sup>32</sup> *Consumer Broadband Labels for Greater Transparency & Informed Consumers*;<sup>33</sup> *Understanding and Highlighting Stakeholders' Perspectives on Caller Name Presentation (CNAP) in Telecommunication Services*<sup>34</sup> and bringing forth a *Consumer Perspective on Wi-Fi 6E*<sup>35</sup>. Currently, CUTS is undertaking study on 'Elements of Ethical Framework for 6G and

---

<sup>15</sup> [Challenges to consumer policy in the digital age | OECD](#)

<sup>16</sup> [Challenges to consumer policy in the digital age | OECD](#)

<sup>17</sup> [New aspects and challenges in consumer protection](#)

<sup>18</sup> [Inclusive Digital Economy - ccier \(cuts-ccier.org\)](#)

<sup>19</sup> [Consumer Protection - ccier \(cuts-ccier.org\)](#)

<sup>20</sup> [Highlighting Inclusive and Practical Mechanisms to Protect Children's Data - ccier](#)

<sup>21</sup> [Understanding Consumers' Perspective on Encryption - ccier \(cuts-ccier.org\)](#)

<sup>22</sup> [Consumer Grievance Redressal \(CGR\) 2.0 - ccier \(cuts-ccier.org\)](#)

<sup>23</sup> ["My data or yours?" Unravelling Multi-Party Privacy \(MPP\) among Consumers of Digital Credit in India - ccier \(cuts-ccier.org\)](#)

<sup>24</sup> [comments-on-traai-cp-on-regulatory-mechanism-for-ott-services-and-selective-banning.pdf \(cuts-ccier.org\)](#)

<sup>25</sup> [advocacy-joint-open-letter-by-stakeholders-to-the-mca-on-the-digital-competition-bill.pdf \(cuts-ccier.org\)](#)

<sup>26</sup> [Promoting Competitive Neutrality in Government Using Advocacy](#)

<sup>27</sup> [CUTS Comments on the Draft Amendments to The Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021 relating to Online Gaming](#)

<sup>28</sup> [comments-on-draft-guidelines-for-prevention-and-regulation-of-dark-patterns.pdf \(cuts-ccier.org\)](#)

<sup>29</sup> [Cyber Safe East India – Workshops on Cyber Security for MSMEs \(Phase – I\) | CUTS Calcutta Resource Centre \(cuts-crc.org\)](#)

<sup>30</sup> [Cyber Safe East India – Workshop on Cyber Security for MSMEs and Women Entrepreneurs \(Phase – II\) | CUTS Calcutta Resource Centre \(cuts-crc.org\)](#)

<sup>31</sup> [Cyber Safe East India – Workshops on Cyber Security for MSMEs and Women entrepreneurs \(Phase-III\) | CUTS Calcutta Resource Centre \(cuts-crc.org\)](#)

<sup>32</sup> [5G in India \(cuts-ccier.org\)](#)

<sup>33</sup> ["Consumer Broadband Labels: For Greater Transparency & Informed Consumers" - ccier](#)

<sup>34</sup> [Understanding and Highlighting Stakeholders' Perspectives on Caller Name Presentation \(CNAP\) in Telecommunication Services](#)

<sup>35</sup> [Understanding Consumer Perspectives on 6GHz Band - ccier](#)

CUTS is also serving as a 'Consumer Advocacy Group' with TRAI since 2001, has been instrumental in organising many Consumer Awareness Programme (CAP) with the assistance of TRAI. It has been part of consultations/meetings organised by TRAI and several open houses organised by telecom service providers.<sup>37</sup> Based on such evidence-based studies, CUTS is pleased to submit its comments and recommendations on the consultation paper.

### **Recommendation to TRAI**

1. **Rule 5(1)(b)** requires a consumer organisation to be a non-profit and non-political organisation to be eligible for registration with TRAI.

Defining what truly qualifies as non-political has grown increasingly intricate in the modern digitised world. Actions such as shedding light on digital exclusion may be viewed through a political lens.

In light of this, establishing predefined criteria for what qualifies as non-political could be a possible approach to mitigate potential conflicts. Such criteria could help organisations in effective engagement and participation..

2. **Rule 5(1)(c)** stipulates that *consumer organisation shall be eligible for registration with the Authority if it is having, on the date of its application to the Authority, a minimum of three years of experience in–*

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

*(ii) advocating the 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 the telecommunication and broadcasting services;*

This should be clarified whether all conditions in the rule are equally crucial for compliance? Consumer organisations play a very important role in one or many of these activities. Suggesting that all conditions be met poses rigidity. While meeting one or more conditions could improve ease of regulatory adherence.

In addition, the requirement of three years of experience may seem like an artificial barrier, particularly in the field of technology, where many young organisations are making significant contributions and innovations that should ideally be recognised.

It is advisable to reduce the **requirement to one year** and with the experience in 'one or more' such activities.

3. According to **Rule 5(2)(a)**, a *consumer organisation shall be eligible for registration at National level if it has 'All India' as its work area in its Memorandum of Association (MoA).*

Mandating an 'All India' work area specification in the Memorandum of Association (MoA) could inadvertently exclude numerous organisations that genuinely work for the betterment of

---

<sup>36</sup> [Ethical 6G – Identifying Elements of Ethical Framework for 6G and Creating Opportunities for India and Australia - ccier](#)

<sup>37</sup> [Telecom Activities | CUTS Centre for Consumer Action Research and Training \(CART\) \(cuts-cart.org\)](#)

consumers but have intentionally limited their operational reach to specific regions.

To ensure a fair and inclusive approach, it is imperative to consider modifying this requirement to reflect the requirement mentioned in the rule 5(2)(b) of working in certain states/UTs. By adopting this more flexible approach, TRAI can foster an environment where organisations can thrive and contribute to consumer welfare.

4. **Rule 5(2)(b)** requires a consumer organisation to have the experience of working in **at least five States or Union Territories** to be eligible for registration at National level. This stipulated requirement appears to be overly expansive, which may potentially result in the exclusion of many consumer organisations engaged in addressing consumer concerns across multiple states. Additionally, there exists ambiguity concerning the criteria for identifying these organisations, such as whether it hinges on the establishment of a physical office or engagement in specific projects in multiple states.

To facilitate broader participation and inclusivity, it is advisable to consider revising the requirement to encompass organisations operating in ‘two states or two UTs or one state and one UT or more’. This could entail the presence of an organisation in more than one state/UT, either physically or through its engagement in such projects. This would ensure the involvement of a wider array of consumer-focused entities actively engaged in addressing pertinent issues.

5. In addition, it would be useful to also consider some key facets of the *Registration of Consumer Organisations Regulations, 2013*, with a view to other potential amendments. These can help organisations make informed decisions about registration and leverage its benefits while staying compliant and aligned with their objectives. In light of this, TRAI may consider adopting the following recommendations.
  - i. Establish an online portal for registration, making it more convenient and accessible for consumer organisations to apply and track the status of their applications.
  - ii. Consider offering financial support, including grants, to registered consumer organisations to enhance their capacity in areas like research, advocacy, and consumer representation.
  - iii. Consider introducing incentives such as recognition for organisations that successfully advocate for consumer-friendly policies or drive positive changes within the telecom sector. This will motivate them to better serve the interests of consumers and champion consumer rights.
  - iv. Foster collaboration between registered consumer organisations and other relevant government bodies, facilitating effective cooperation to address consumer issues.

\*\*\*\*\*

Consumer Unity & Trust Society (CUTS) expresses gratitude to Telecom Regulatory Authority of India (TRAI) for inviting comments on the Consultation Paper on Draft Registration of Consumer organisations (Amendment) Regulations, 2023. CUTS looks forward to TRAI accepting the above suggestions and assisting in its efforts to empower consumer organisations and lead to effective consumer awareness. We would be glad to make an in-person presentation of our submission before TRAI. For any clarifications/further details, please feel free to contact: Krishnaank Jugiani ([kju@cuts.org](mailto:kju@cuts.org)). The author is grateful for the support of Amol Kulkarni ([amk@cuts.org](mailto:amk@cuts.org)).