


Email**Sushil Kumar**

[PLEASE OPEN THE ATTACHMENT WITH CAUTION]Fwd: Suggestions-Recommendation for the Draft Consultation paper on Registration of Consumer Organisations

From : S.M.K. Chandra <ja-cadiv@traf.gov.in> Thu, Oct 05, 2023 05:04 PM
Subject : [PLEASE OPEN THE ATTACHMENT WITH CAUTION]Fwd: Suggestions-Recommendation for the Draft Consultation paper on Registration of Consumer Organisations  3 attachments
To : Sushil Kumar <to-cadiv2@traf.gov.in>
Cc : Man Mohan Vyas <deputy-advisor.ca@traf.gov.in>

From: "A.K Singh" <advisorit@traf.gov.in>
To: "S.M.K. Chandra" <ja-cadiv@traf.gov.in>
Sent: Thursday, October 5, 2023 1:23:32 PM
Subject: Fwd: Suggestions-Recommendation for the Draft Consultation paper on Registration of Consumer Organisations

From: grahakshakti@gmail.com
To: "A.K Singh" <advisorit@traf.gov.in>
Sent: Wednesday, October 4, 2023 9:47:52 PM
Subject: Suggestions-Recommendation for the Draft Consultation paper on Registration of Consumer Organisations



**RMV Clusters, Phase II, Block 3, Flat 102-103, RMV 2nd Stage, Devnagar,
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GS/TRAI-DC-RC-1
Wednesday, 4th October 2023

Sri A K Singh
Advisor (CA & IT)
Telecom Regulatory Authority of India
New Delhi

Sir:

Regarding Consultation Paper on Registration of Consumer Organisations Amendment to 2013 circular.

Greetings from Grahak Shakti

We are a not for-Profit, Non-Political Voluntary Consumer Organisation that believes in empowering Consumers of their Rights by performing their duties. We are pioneers and have an established track record. We play a very important and active role in Regulatory and Government agencies. We have also intervened in the Court at all levels including the Supreme Court in several matters.

We welcome TRAI's initiative to amend the amend the Registration of Consumer Organisations Regulations, 2013 (1 of 2013)

This in our view was necessary in view of vast changes in the Telecommunication / Broadcasting sector from 2G to 5G-6G Technology.

On behalf of our Organisation we would like to file the following recommendations / Suggestions / Comments.

2. In regulation 4 of the Registration of Consumer Organisations Regulations, 2013 (1 of 2013) (hereinafter referred to as the "principal regulations"), for sub-regulation (2), the following sub-regulation may be substituted, namely:-

"(2) The Authority may, from time to time, decide the number of consumer organisations which may be registered by the Authority at –
 (a) National level; and
 (b) State or Union Territory level. "

- 1) Defining the criteria for National or defining any jurisdiction for Consumer Organisation is not only inappropriate or misleading but also will not succeed. Because there is no defined yardstick for such nomenclature.
 Here are some practical excerpts.
- 2) Tamil Nadu is a pioneer for network of Consumer Organisations and had a strong Network by the title
- 3) The Federation of Consumer Organisations of Tamil Nadu and Pondicherry, well known by its acronym, FEDCOT registered under Societies Act [Registration Number 227/90] in 1990. It had more than 350 registered consumer associations in Tamil Nadu and Pondicherry. Though as per the definition itself it was confined to Tamil Nadu and Puducherry, it was recognised at the National Level and also Internationally. But it has now split into three to four groups and is now non-existent. Strangely one of the founding members even started another organisation by the name "Consumer Association of India" and gave wide Publicity through advertisements etc. But unable to mobilise members beyond the Vindhya.

- 4) Similarly in 1993, The Consumer Co-ordination Council (CCC) was formed at the national level which had its restricted membership at that time. Later they amended the rules and expanded their horizon. They were funded by a foreign agency and also by the Government. However, over the ages, they completely withered away and except holding their AGMs for statutory purpose they are not able to even meet their administrative expenses.
- 5) They have in their fold members who are not only politically connected but have positions in the party (Congress MP?!)
- 6) Therefore, there is no credibility or validity. Hence, having just terms such as `International' `National' has no meaning or validity. It will not stand the test of legal scrutiny.
- 7) TRAI shouldn't get into all these legal rigmaroles and waste their time in litigation.
- 8) TRAI is interested in reaching out to the Consumers at large and must concentrate on credible organisations with genuine interest and track record rather than terminology.
- 9) Whereas TRAI hasn't been able to reign in BSNL coming under DOT and who have scant respect for following instructions. If necessary we can even provide several instances including the fact that they aren't following the mandate of appointing a proper grievance mechanism that is followed by other TSPs and continue their own procedures.
- 10) We have also seen and campaigned earlier against `**Call drops**'. We are fully aware about the whole episode. In spite of Government support at the highest level and also TRAI taking strong steps, it was turned down by the Supreme Court purely on technical infirmities.
- 11) TRAI is the only regulator that is active and involving Voluntary Consumer Organisations (VCO) in a very big way to reach out to consumers. Working with TRAI by any VCO is a huge challenge since they need to be more equipped and talk with experts on the subject. Whereas the TSPs can afford to hire top notch competent knowledgeable staff on their roles, it is not the case of the VCOs.
- 12) It is in the interest of any regulator to encourage the voluntary sector so that they are balanced and earn credibility for being impartial to equip, encourage Consumers. TRAI has done it beautifully. However, they should ensure that their `*Red tape*' and bureaucratic approach of putting lot of impractical restrictions don't erode their reputation.
- 13)** TRAI no doubt is providing funds to conduct programmes that too limited but is not providing them for their administration or capacity building. So why try and insist on too many documentations, procedures. Why have a renewal process every 2 years? More so when **TRAI is collecting a quarterly report?**

14) In the age of technological expansion and more newer concepts, it would be more appropriate for TRAI to consider capacity building of Consumer Organisations and concentrate on its activities,

15) Further PM Sri Narendar Modi has often repeated that the policy of the Government is “**Minimum Government Maximum Governance**”. He has also demonstrated and implemented several changes that are transparent and straight forward. That being the case why should TRAI bring in changes that are controversial or subjective?

16) *Organisation registered in a particular State or district doesn't in any way confine the role of Consumer Organisation as long as their Objective of serving Consumers as a class is satisfied.*

Our Suggestion therefore:

- 1) There should be no restrictions on Consumer Organisations applying or selection except preferential treatment to Network of Consumer Organisations; Whether State–Regional-National. This can be verified by the membership, activity and performance of the said Organisation.
- 2) Everything should be totally defined, transparent and if they are not; there is also every possibility of corruption and influence playing a role?
- 3) If any VCO's application is rejected, there should be an appeal process also provided for the Organisation to seek redressal.
- 4) TRAI can define a clear-cut guideline of rating VCOs enlisted as CAG and define a minimum threshold for further selection or screening. They can weed out non performers instead of being accused of parochial interest or nepotism?

“5. Eligibility criteria for registration of consumer organizations.—

(1) 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;
- (c) 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; and
- (d) capable of interacting with the Authority through electronic media.

This is good but right now there are several Organisations in CAG that don't fit this description or adhering to these norms. Hence, following strictly these conditions is essential.

(2) A consumer organization shall be eligible for registration at National level if, in addition to the eligibility criteria mentioned in sub-regulation (1), it has –

- (a) 'All India' as its work area in its Memorandum of Association;
- (b) experience of working in at least five States or Union Territories; and
- (c) capability and experience in campaigning and conducting theme-based events and developing awareness material.”

1) Right now, as described earlier, there is nothing in a definition or Phrase. Just having `All India' in its MOA has no locus Standii. It can be contested and unnecessary judiciary intervention. Instead, it can be established by the membership, Activities that are conducted and other parameters.

2) Grahak Shakti has participated in international programmes and is a member of the International Organisation ICPHSO. But nowhere have we claimed that we are an International Organisation! Together with the State Network-CAOCVO and COSICO, we have conducted National events. Therefore, these are not the methods to involve Networks.

3) At present to the best of our knowledge and experience of over fifty years in the Consumer Movement, there is only one Organisation that can be really called `National' which is the Akhil Bharatiya Grahak Panchayat (ABGP) (RSS Parivar) and they don't believe in applying or seek positions in Government or any authority.

4) Also, if the Organisation has such terms but not functional; then what is the use? So, this should be stuck down.

5) We have our regional network “*Consortium of South India Consumer Organisations*”[®] and active. We are functional in 5 States and 1 Union Territory of Puduchery. These are the credentials which can be verified.

6) Members are in all districts (31) in Karnataka All 14 districts of Kerala and all 4 districts of Puduchery. 10 districts of Tamil Nadu and 2 districts each in Telangana and Andhra. Based on requests from Goa; we are expanding our reach to them also. Necessary amendments would be made. Similarly, we have also been getting requests from New Delhi,

Haryana, Jammu. We are deliberating as to how they can be formally brought in.

We hope these points will be considered seriously before the draft is finalised.



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and

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