

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the 18th July, 2018

No. 324-5/2018-CA---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 further to amend the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007), namely :-

TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND
(FOURTH AMENDMENT) REGULATIONS, 2018

(5 of 2018)

1. (1) These regulations may be called the Telecommunication Consumers Education and Protection Fund (Fourth Amendment) Regulations, 2018.

(2) They shall come into force from the date of their publication in the Official Gazette.
2. In regulation 6 of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) (hereinafter referred to as principal regulations), in proviso to sub-regulation (3), for the words “authorise a Joint Advisor or Deputy Advisor of Consumer Affairs and Quality of Service Division and a Joint Advisor or Deputy Advisor of Finance and Economic Analysis Division”, the words “authorise a Joint Advisor or Deputy Advisor in the Division dealing with Consumer Affairs and a Joint Advisor or Deputy Advisor in the Division dealing with Finance and Economic Analysis matters in the Authority” shall be substituted.
3. In regulation 8 of the principal regulations,-
 - (a) clause (d) shall be omitted;
 - (b) for clause (h), the following clause shall be substituted, namely:-
“(h) Principal Advisor dealing with Consumer Affairs in the Authority----- ex officio member”;
 - (c) for clause (i), the following clause shall be substituted, namely :-
“(i) Advisor dealing with Consumer Affairs in the Authority----- ex officio convenor member”
4. In regulation 9 of the principal regulations, in sub-regulation (1), the words “the Association of Unified Telecom Service Providers of India” shall be omitted.
5. In regulation 10 of the principal regulations, in sub-regulation (1), for the words “two months before”, words “at the” shall be substituted.
6. In regulation 13 of the principal regulations,-
 - (a) in clause (a), for the word “two”, word “five” shall be substituted;
 - (b) for clause (b), the following clause shall be substituted, namely:-

“(b) the Cellular Operators Association of India, the Internet Service Providers Association of India and such other association of the service providers in respect of members nominated by them under clauses (c) and (da) of regulation 8.”

(S.K. Gupta)
Secretary, TRAI

Note 1---- The principal regulations were published vide Notification No. 322/4/2006-QoS (CA) and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 15th June, 2007.

Note 2----The principal regulations were amended vide notification No. 322-8/2010-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 7th March, 2011.

Note 3----The principal regulations were amended vide notification No. 324-2/2013-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 10th July, 2013.

Note 3----The principal regulations were amended vide notification No. 324-2/2013-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 26th June, 2014.

Note 4 ---- The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund (Fourth Amendment) Regulations, 2018 (5 of 2018).

EXPLANATORY MEMORANDUM

The Telecom Regulatory Authority of India had notified the Telecommunication Consumers Education and Protection Fund Regulations, 2007 [(6 of 2007) hereinafter referred to the principal regulations] on 15th June 2007. In terms of the principal regulations, a fund called “Telecommunication Consumers Education and Protection Fund” (TCEPF) has been created. The income from the Fund is utilized to undertake programmes and activities relating to consumer education and protection as are approved by the Authority following the recommendation of the Committee for Utilization of Telecommunication Consumers Education and Protection Fund (CUTCEF).

2. The current CUTCEF composition includes five members from service providers’ associations viz. two each from Cellular Operators Associations of India (COAI) and Association of Unified Telecom Service Providers of India (AUSPI) and one from Internet & Broadband Service Providers of India (ISPAI). However, the AUSPI has now ceased to exist. The name of AUSPI is, therefore, required to be deleted from the CUTCEF composition. The constitution of CUTCEF is accordingly being amended through this amendment.

3. The Committee reviews income & expenditure alongwith various activities carried out of TCEP Fund in a financial year (FY) while finalizing the budget estimates for the next FY in its annual meeting. However, the details of income accrued and expenditure incurred in the last quarter of the FY are not available for consideration by the committee as the meeting of committee is required to be organised well before the beginning of the last quarter of FY in pursuance of timelines prescribed in regulation 10 of the principal regulation, which envisages submission of budget estimates by the Committee for approval of the Authority two months before the beginning of next FY. This has necessitated making suitable changes in the provision regarding timelines for submission of annual budget estimates for approval of the Authority and amendment to that effect has been carried through these regulations.

4. There has been reorganisation of Divisions in TRAI with Consumer Affairs (CA) and Quality of Service (QoS) now being two separate Divisions. Consequential changes in the related provisions have accordingly been made in the Regulation.