

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION


New Delhi, the 14th June 2024

**TELECOMMUNICATION CONSUMERS EDUCATION AND PROTECTION FUND (SIXTH
AMENDMENT) REGULATIONS, 2024**
(2 of 2024)

No. RG-10/4/(3)/2021-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:-

1. (1) These regulations may be called the Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2024.

(2) They shall come into force from the date of their publication in the Official Gazette.
2. In regulation 2 of the Telecommunication Consumers Education and Protection Fund Regulations, 2007 (6 of 2007) (hereinafter referred to as the "principal regulations"), clause (e) shall be deleted.
3. In regulation 3 of the principal regulations, in sub-regulation (2), in the proviso –
(a) in clause (i), for the words "the Consumer Protection Act, 1986 (68 of 1986)", the words "the Consumer Protection Act, 2019 (35 of 2019)" shall be substituted;


Secretary - 1/c
Telecom Regulatory Authority of India
Mahanager Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi-2

- (b) in clause (ii), for the words "the Consumer Protection Act, 1986", the words "the Consumer Protection Act, 2019 (35 of 2019)" shall be substituted.
4. In regulation 4 of the principal regulations, –
- (a) in sub-regulation (1), for the words "into the branches of the Corporation Bank designated for the purpose by the said bank, within a period of thirty days of such amount becoming due to be credited to the Fund.", the words "through Electronic Fund Transfer system viz. NEFT, IMPS, RTGS, in such account of the Scheduled Bank as may be designated by the Authority, within a period of thirty days of such amount becoming due to be credited to the Fund, and the service provider shall, within a period of seven days or as may be specified by the Authority from time to time, furnish to the Authority the transaction details of such remittance." shall be substituted;
- (b) sub-regulation (2) shall be deleted;
- (c) sub-regulation (3) shall be deleted.
5. In regulation 5 of the principal regulations, –
- (a) in sub-regulation (4), for the words "Corporation Bank" appearing after the words "separate accounts in the", the words "Scheduled bank as designated by the Authority" shall be substituted;
- (b) in sub-regulation (4A), the word "Corporation Bank" appearing after the words "rate of interest offered by the", the word "Scheduled bank" shall be substituted.
6. In regulation 6 of the principal regulations, in sub-regulation (2), after clause (c), the following clauses shall be inserted, namely:-
- "(d) to pay fee and expenses for the preparation and maintenance of accounts of the Telecommunication Consumer Education and Protection Fund and audit of the accounts of the said fund;
- (e) to pay such expenses as may be incurred under clause (a) of regulation 13:".
7. In regulation 13 of the principal regulations,-
- (a) the words "borne by" appearing after the words "the meetings of the committee shall be" shall be deleted;
- (b) for clause (a), the following clause shall be substituted, namely:-
- "(a) met out of the incomes referred to in clause (b) of sub-regulation (2) of regulation 5 with the approval of the Authority, in respect of the five representatives nominated by the Chairperson of the Authority under clause (b) of regulation 8 from amongst the voluntary consumer organisations registered with the Authority;"
- (c) in clause (b), before the words "the Cellular Operators Association", the words "borne by" shall be inserted.
8. In regulation 16 of the principal regulations, in sub-regulation (1), for the words "the Consumer Protection Act, 1986 (68 of 1986)", the words "the Consumer Protection Act, 2019 (35 of 2019)" shall be substituted.

Secretary - I/c
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi-2

(MP) 10/6/2024
Mahendra Srivastava
Secretary I/C, TRAI

Note 1---- The principal regulations were published vide Notification No. 322/4/2006-QoS (CA) and published

(MP)
Secretary - I/c
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi-2

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 4----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 5----The principal regulations were amended vide notification No. 324-5/2018-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 18th July, 2018.

Note 6----The principal regulations were amended vide notification No. 324-5/2018-CA and published in the Gazette of India, Extraordinary, Part III, Section 4 dated 16th January, 2020.

Note 7----The Explanatory Memorandum explains the objects and reasons of the Telecommunication Consumers Education and Protection Fund (Sixth Amendment) Regulations, 2024 (2 of 2024).


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 as the principal regulations] on 15th June 2007. In terms of these 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.

2. The Authority noticed that there are some expenses to be incurred from the fund for preparation, maintenance, audit of accounts, and for the participation of representatives of consumer groups attending the meetings of the Committee for Utilisation of Telecommunication Consumers Education and Protection Fund (hereinafter referred to as "CUTCEF") for which explicit provisions are required in the regulations. Accordingly, amendments have been proposed in regulations 6 and 13 of the principal regulations.

3. During the year 2020, Corporation Bank in which the Fund is maintained has been merged with the Union Bank of India. Further, the Consumer Protection Act, 1986 (68 of 1986) has been repealed by the Consumer Protection Act, 2019 (35 of 2019). Therefore, amendments have been proposed to change the relevant provisions in the principal regulations. In this regard, a draft amendment to the regulation was placed on the TRAI website on 24.07.2023 for the comments of stakeholders by 14.08.2023. The responses received from the stakeholders were uploaded on TRAI website. Most of the respondent stakeholders concurred with the proposed amendment. Some of the stakeholders sent their suggestions in this regard. The relevant suggestions are analysed in the following paragraphs.

4. One leading Bank has suggested to define "Bank" as "any Scheduled Commercial Bank as may be designated by the Authority". This has been examined and it is observed that the Schedule bank is already


Secretary - 1/c
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi-2

defined under (ea) of regulation 2. Therefore, there is no need to define 'bank' separately. As such draft regulations have been modified to replace corporation bank with the "scheduled bank as may be designated by the Authority".

5. One service provider suggested that the procedure to submit any amount to be deposited under the regulations should be facilitated through an online payment method i.e. NEFT/RTGS. Keeping in view the ease of doing business, the suggestions have been agreed to. Accordingly, necessary changes have been made to Regulation 4.
6. Some stakeholders suggested to increase the representations of telecom service providers in CUTCEF, however it is observed that the suggestion is not relevant in the context and further it is already having two representations in the said committee.
7. Few stakeholders suggested that the travel expenses for the members nominated by COAI and ISPAI have also to be borne from this fund as in case of voluntary organisations. In this regard, the authority is of the view that the amendment proposed is to bear the expenses of members of voluntary consumer organisations registered with the Authority and nominated by the Authority as representatives of consumers in CUTCEF, are non-profit making voluntary organizations and may not have requisite source of income for bearing the travel and other related expenses to attend the CUTCEF meeting. Whereas the members nominated from TRAI and service providers are attending the meetings as part of their official duties. Hence the suggestions of stakeholders are not agreed to.
8. In addition, some service providers have suggested that TCEPF may be utilized for the expenses for conducting Consumer Education workshops (CEWs) by service providers, for the development of online platforms, SMS charges for the messages sent by Government entities. The same has been examined by the Authority and could not be acceded to due to the following reasons:
 - a) The CEWs are organised by TSPs from the customer service perspective for their own consumers to improve the customer experience as mandated by the regulator.
 - b) Regarding the utilization of funds for the development of mobile platforms, it is observed that present regulatory provisions do not prohibit the same. It is mentioned that educational material of TRAI is being made available to the consumers through website / you tube channels/ social media etc. Also, service providers have their own apps and websites for the dissemination of information to their customers.
 - c) With regards to the compensating mandatory SMS charges from TCEPF, as per the provisions of various regulations, Service providers are to required to provide such alerts to their customers free of cost therefore, as such utilizing the fund for such purposes does not arise.
9. One service provider suggested that Telecom Service Providers may be permitted to deduct the applicable amount payable to consumers under orders of consumer forums or courts from the next upcoming dues, to the fund under intimation to the committee. In this reference, it is mentioned that the available provisions in regulation 16 of the principal regulations do not require any change, as the Authority should verify the details of claim by any service provider before making any payment from the fund.



Secretary-1/c
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhawan
Jawaharlal Nehru Marg, New Delhi-2