TDSAT Seminar
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Settlement of Disputes & Protection of Consumer Rights
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Evolving Scenario in the Sector

- Its Impact on Nature of Disputes

- Efficacy of the Response System
Evolving Scenario in the Sector

CRYSTAL BALL GAZING

A Look at the Past
&
A Peep into the Future*
SEVEN FORCES
that are changing the World

1. Moore’s Law
2. The Digital World
3. Miniaturisation
4. Decreasing Costs
5. Wireless Evolution
6. Internet
7. Convergence

wayfinding.net
SEVEN FORCES

But

ONE Common Denominator

TECHNOLOGY

The Biggest Catalyst
II. Impact on Nature of Disputes

- Impact on POLICY
- Impact on REGULATION
- Impact on DISPUTE RESOLUTION
- *
National Telecom POLICY

- Pre NTP
- NTP 94
- NTP 99
- NTP Amendment 2003
POLICY means Guidelines

Yet, we find:

- Increasing micro-management
- No technology neutrality
- 100% Shareholder of the incumbent
- So, issues are bound to arise
REGULATION

- Licences u/s 4 - Indian Telegraph Act 1885
- 1996 Ordinances
- 1997 TRAI Act
- 2000 TRAI Amendment
- 2002 Attempted Convergence Bill
- 2003 Cable & Broadcasting Amdt
- 2006-2007 Further Amendments
DISPUTE RESOLUTION

- High Court
- TRAI – Old section 14
- TDSAT – 2000 Amendment (24.01.2000)

  ◆ Limited exceptions:
    - MRTP
    - CPA – Individual
    - 7-B, ITA – Statutory Arbitration
Nature of Disputes

- Ever changing
- Cycle of disputes
- Policy-\textit{Incumbent}-Competition-\textit{Policy}
Nature of Disputes

- **Policy & Licence:**
  - WLL, SPECTRUM
  - Level Playing Field
  - Refund of Fees & Interest
  - AGR Definition
  - Migration Package
  - Cable & Broadcasting
Nature of Disputes

- **Incumbent:**
  - INTERCONNECTION
  - UNBUNDLING
  - ACCOUNTING SEPARATION
  - PREDATORY PRICING
  - ACCESS
Nature of Disputes

- **Competition:**
  - Unfair Trade Practices
  - Entry Barriers
  - Anti-Consumer
TDSAT
EFFICACY of RESPONSE

* Flexible & Responsive instead of Rigid & Technical

Function is to
Regulate and Not only Adjudicate
EFFICACY & EXPECTATIONS

- Not a mere substitute to the High Court
- Adjudicator and Regulator rolled in one
- Since Policy & Licence & Regulations keep changing with times
- TDSAT should be able to mould relief
CONSUMER INTEREST best served by

- Open Competition
- Transparency
- Light touch Regulation
- Liberal Interpretation
- Technology Neutrality
- Access to Dispute Resolution Mechanism
Thank You

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