

SEMINAR ON "THE WAY FORWARD FOR TDSAT"**ADDRESS BY HON'BLE JUSTICE ARUN KUMAR,
CHAIRPERSON, TDSAT**

Good Morning Ladies & Gentlemen,

It gives me great pleasure to extend a very warm welcome to all of you on behalf of the TDSAT.

We are honoured by the distinguished presence of Hon'ble Mr. Justice Swatanter Kumar, Chief Justice and other Hon'ble Judges of the Bombay High Court, Hon'ble Mr. Justice N. Santosh Hegde, Former Judge Supreme Court of India & Former Chairperson TDSAT and presently Lokayukta, State of Karnataka, Lt. General(Retd.) D.P.Sehgal, Former Member TDSAT, Shri K. Sridhara, Member (Technology), Department of Telecommunications, Government of India, Members of the Bar and distinguished Guests.

Today, we are in Goa for a face to face interaction with all stakeholders in telecom, broadcasting, DTH & cable T.V sectors so as to enhance the awareness and understanding about TDSAT's role in regard to adjudication/settlement of disputes and disposal of appeals relating to services in these sectors.

As we know that India is one of the fastest growing & most competitive telecom markets in the world today clocking 288 million subscribers adding about 8.7 million subscribers every month with a target of 500 million by Dec,2010. Indian mobile network having crossed 250 million mark, is all set to become the 2nd largest wireless network in the world after China by the 1st half of April 2008. The regulatory framework and dispute resolution mechanism is playing a crucial role in provision and growth of these services, but there is a need to keep pace with the rapidly evolving technological trends, intensifying competition & ever-changing nature of disputes/ conflicts in these areas.

Technological innovations is the main focus area, which has gained greater importance in the globalised economy. Technology is undoubtedly helping us improve efficiency. In today's competitive environment, being technology savvy, certainly gives one a competitive edge. The present pace of growth can be further accelerated by taking technology to the masses. Mobile telephony & broadband services are going to open up the vast untapped market in rural areas of the country which comprise 70% of the population with substantial disposable incomes and aspirations to join the mainstream of the country and share the growth prospects of urban India in the information technology, communication & entertainment sectors.

Rapid technological advancements coupled with convergence of technologies require telecom & broadcasting sectors, to work closely as provision of new services on various platforms has become a reality. But there is a need to bring transparency in business through implementation of addressable systems so as to generate higher revenues while protecting consumer interest. Addressability can only bring transparency & accountability in cable TV industry, which continues to remain unorganised. Also with digitalisation & proliferation of Broadband connectivity, the focus is shifting from cable TV and DTH services to the provision of IPTV and mobile TV services. Real convergence can be achieved through mobile phone. The best part of mobile TV is that this will always complement the existing technologies of cable TV & DTH but will not compete with them. The last mile of 75 million cable TV connections may even become usable for provision of triple play broadband services but an organisation for technical audit of cable TV network is essential to ensure & enforce quality of service delivery.

No doubt, the intensified competition has resulted into unprecedented growth & availability of affordable services for consumers but simultaneously, incidence of the disputes, grievances & complaints has also risen. Some of the service providers are so lax that they take even national security casually

e.g. the subscriber verification exercise undertaken by them proved to be a sham if the last year's terror attacks at Mecca Masjid in Hyderabad & at Dargah-e-sharif in Ajmer are any indication. Entire apparatus of subscriber bona-fide verification appeared to be really a sieve-leaking at all places. In the race of getting more customers, the phone operators should not take security needs for a ride. Consumer rights, moral values & ethics should never be compromised.

In broadcasting & cable TV services, issues like a-la-carte provision & pricing of channels, piracy of signals, under-declaration of subscribers & extension of voluntary CAS in non-CAS areas etc. continue to engage our attention. However, there is an urgent need to deal with anti competitive behavior of vertically integrated operators who mete out discriminatory treatment to competitor channels. Interoperability & standardisation of set top boxes of different players, is also an issue to be effectively addressed. Further, some of the broadcasters manipulate distribution of same genre popular content amongst different channels thereby, in a way, forcing subscription of all those channels. Viewers should have freedom of choice in terms of TV channels & content at reduced subscription charges. There is an urgent need to ensure greater competition, faster digitalisation and addressability in cable TV

sector as well as to encourage diversified content development & infrastructure sharing/collocation. There is definitely a need to step up efforts for upgradation of technical infrastructure and lay special emphasis on localisation of content of programs aired through TV channels so as to make it relevant for the society & correctly reflect its culture.

Relevance of content & excessive advertisements in programs is the another issue, which needs monitoring & enforcement of strict compliance to norms. There have been instances of banning of channels & advertisements due to their content being indecent or obscene or derogatory or having racist overtones. Surrogate advertising needs to be stopped. Fake sting operations also came to light. Supreme court had to direct the Government to set up a censor board for TV serials to scrutinize them before they are aired. The informative channels on news & current affairs have started sensationalizing the content. Media must responsibly desist from distorted or concocted reporting that highlights only those aspects of an issue that suits it because power of media is great in influencing the perception of its audience. While trying to expose the misdeeds & corrupt practices of public authorities, the media would do well to report their commendable initiatives & work as well. Media need to institute a process of continuous introspection to ensure that they

remain transparent & truthful purveyors of information. We must strive to develop an effective monitoring system where accountability & responsibility can be adhered to in true spirit of the programming & advertising code. Failure on this account should entail imposition of stiff penalty under relevant provisions.

Regulations will have to facilitate & promote creativity in converged environment wherein the real proliferation may come by creating a healthy competition or what we may call co-opetition. Competition does not mean that competitors have to kill each other. Indeed it involves learning from each other's experiences to co-exist & judicious sharing of resources in an effective manner for synergy in respective operations. The biggest challenge in this scenario is to ensure level playing field amongst service providers while protecting consumer interest.

The consumer issues should in fact always occupy our upper most thoughts. Even in the interim orders passed by the TDSAT, the ultimate benefit of the consumer is given utmost consideration to ensure that any disputes between the litigant parties, does not impinge upon basic right of the consumer. The TDSAT has by its procedures provided support to consumer groups. I feel there is need of forums for regular interaction of the consumer groups and the service providers to resolve some

of the issues. A number of issues of routine & repetitive nature can effectively be settled through alternative mechanisms devised to prevent & put an end to unnecessary litigation.

TDSAT's interactive website, "tdsat.nic.in", is kept updated with all enactments, orders, judgments, other latest developments & cause lists. Prompt cognizance is taken of your communications in any form. However, I would welcome any suggestions which could help us in further improvement to meet objectives of the TDSAT.

I hope that during the course of this seminar, we will have lively interactions and thought provoking discussions with distinguished personalities and experts in these areas so as to benefit from their knowledge and wisdom through exchange of ideas, sharing of experiences and practices followed by them in order to effectively discharge our functions.

Thank you.