

SEMINAR ON "THE WAY FORWARD FOR TDSAT"
ADDRESS BY HON'BLE JUSTICE N. SANTOSH HEGDE

India's telecom sector is the flag bearer of Government's initiative in liberalisation & reforms. It has also proved to be a powerful engine for economic growth. A large population, low telephony penetration levels, rise in consumer income & spending owing to strong economic growth have contributed to making India the fastest growing telecom market in the world. Initially rapid growth was achieved through removal of controls on tariffs & services almost entirely. Now, the emphasis is on sustaining this growth with network expansion to deliver better quality of service & adequate consumer care/support. Efforts are on to enhance the infrastructure & to help modern telecom technology penetrate India's socio-culturally diverse society & to transform it into a nation of technology aware people. In the wake of dramatic & unimagined growth in telecom, new companies & jobs have arisen, new industries & services are opening up on the back of telecom, from outsourcing to social networking. More & more professionals, taking advantage of the communication revolution, are working out of their homes in the new economy. Fueled by mobile phone revolution, telecommunication in India has emerged as the sector that provided the most dramatic indicator of people oriented development since independence. In recent years, the deregulation & influx of investments into this sector has resulted into phenomenal GDP growth & further fueled the need for global connectivity with this promising potential market. Potential of telecom sector is evident from the fact that Government's collection of license fee itself has reportedly been of the order of 21,553 crores in 2007-08. The \$27 Billion Telecommunications industry at present is growing at 33% compounded annual growth rate. TV industry in India is also expected to grow from \$4.3

billion to \$11.8 billion, radio industry from \$0.1 billion to \$0.4 billion & film industry from \$ 1.9 billion to \$ 5.3 billion in next three years. India has the potential to be the third largest TV market in the world by 2010. The vast potential of the presently \$14 billion media & entertainment sector needs to be realised as it is growing at 19% compound annual growth rate & is expected to reach \$17 billion mark in 3 years period. Therefore, the continuing exponential growth of telecommunications sector coupled with access to global entertainment, outsourcing of animation business to India & overseas expansion of local companies will further fuel the growth. Further, in India, there are nearly 30 crore school going children. This provides big business opportunities for educational channels & websites.

We realise that policy of technology neutral approach with a vibrant, equitable healthy competition, has succeeded to bring telecom revolution in urban areas. Success of mobile telephony growth in India can be attributed to the strong foundations of the Government policies, regulatory interventions, adoption of technology neutrality, healthy competition and affordability. Today Mobile phones constitute 90% of total market and have proved to be an effective means of making an impact in the minds of people at an affordable cost. When it comes to bridging the digital divide between the rich & the poor, the mobile phone & not the Personal Computer, has the most potential. But something needs to be done regarding ill effects of harmful radiations from mobile phones. These radiations have biological effects varying from person to person depending on user genes & adversely affect human brain, heart, skin & other organs due to prolonged exposure.

Another issue, which I would like to point out regarding cell phones is that cell phone is a personal communication device and strangers with commercial agenda should not be intruding. Individual's privacy should be respected. Companies having

personal data of their customers should be barred from trading it. I presume that stiffer penalties notified by regulator for unsolicited commercial communications made to subscribers enlisted/registered with National Do Not Call registry, are expected to act as an effective deterrent for non-compliance of the regulation & reduce the nuisance & inconvenience caused to mobile phone subscribers so as to put an end to the endemic invasion of privacy.

Further, with sustained regulatory intervention and supervision, the success story of telecommunications in urban areas is poised to get repeated/replicated in rural areas, which have largely remained untouched by the telecom revolution. Tele-density in rural areas is hardly between 2 to 3% compared to that of around 42% in urban areas. The continuing exponential growth of telecommunications, satellite communication revolution and boom in information & communication technologies have provoked a spirited public debate about the role which community media can play in rural India. In this context, the concept of community radio also holds tremendous potential as a tool of empowerment to conscientise & build capacities of communities to become active participants. Since radio is affordable for listeners as well as has the lowest cost per thousand for service provision, it is in a better position to deliver more value in terms of reach than either TV or print. Hence, FM radio station/channels should have a full fledged journalistic team to ensure that the station adds value content in the areas of city happenings, events & other relevant areas like education, jobs & careers, relationships, fashion, eating out, health & fitness, travel, sports & entertainment. Even TV serials are changing societal attitudes for the better. Television has dramatically bridged the difference in attitude & behaviour between rural & urban areas. Another phenomenon which can gain popularity amongst wireless service providers in low margin rural

areas, is infrastructure sharing as it can offer significant advantages like 30-40% cost reduction, faster network roll out and ease of increasing availability of services etc. USO(Universal Service Obligation) funds can also be effectively used to build infrastructure for providing mobile & broadband services to rural communities.

We have also noticed that in the recent past, there has been a perceptible shift in the preferences from wire line to wireless, from narrow band to broadband and from voice centric to multi-media content rich information services. The Indian Telecom Sector has evolved from system centric wave to network centric wave and is further evolving into content centric. Therefore, the dispute settlement mechanism must keep pace with these global emerging trends and ever changing nature of conflicts in the sector. Dispute settlers have also to be conversant with the global trends in the fast changing technology, its management and telecom jurisprudence. because opening of telecom & broadcasting sectors to unrestricted competition in India & convergence of technologies with rapid advancements have resulted into complexity of issues involved in the disputes. It is this complexity, which calls for different segments of telecom fraternity to come together, comprehend problems and discuss the burning issues with openness in seminars like this.

With these words, I feel that we shall have fruitful discussions during the course of the day & wish this seminar a great success in meeting it's objectives.

Thank you.

