

TDSAT Seminar  
20 January 2008  
Kolkata, India



Settlement of Disputes & Protection of Consumer Rights

by

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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

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-Incumbent-Competition-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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