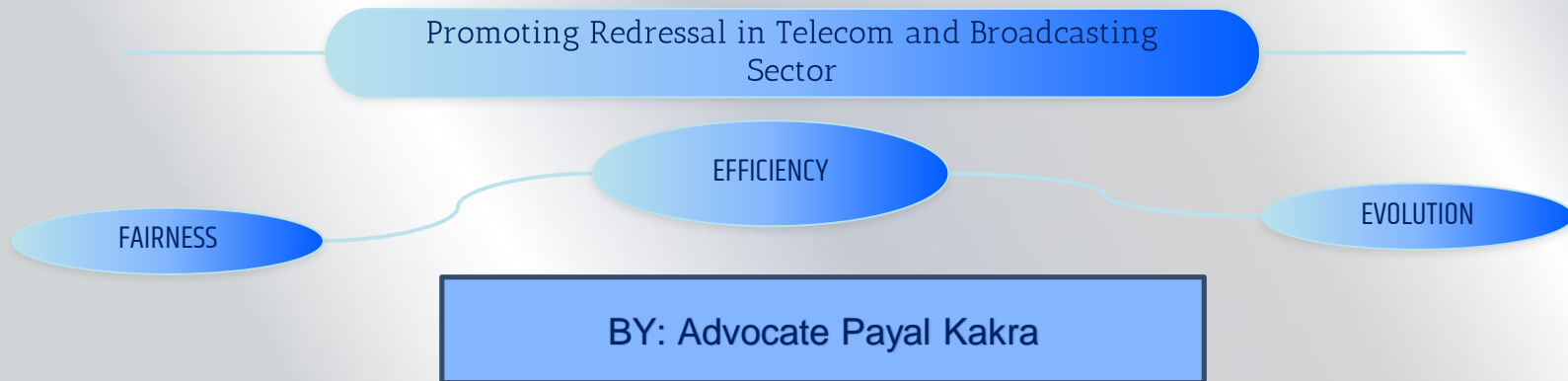


PROMOTING FAIRNESS AND EFFICIENCY IN THE BROADCASTING SECTOR, RECOGNISING TDSAT'S CONTRIBUTION TO A DEVELOPING LEGAL LANDSCAPE



Today's Discussion

01

Evolution of TDSAT

Coming of age of TDSAT since its establishment

02

Evolving Jurisdiction

Entrusting the tribunal and its functions

03

Fairness

Benefits to the litigant

04

Observation

Something to think about

01

EVOLUTION OF TDSAT

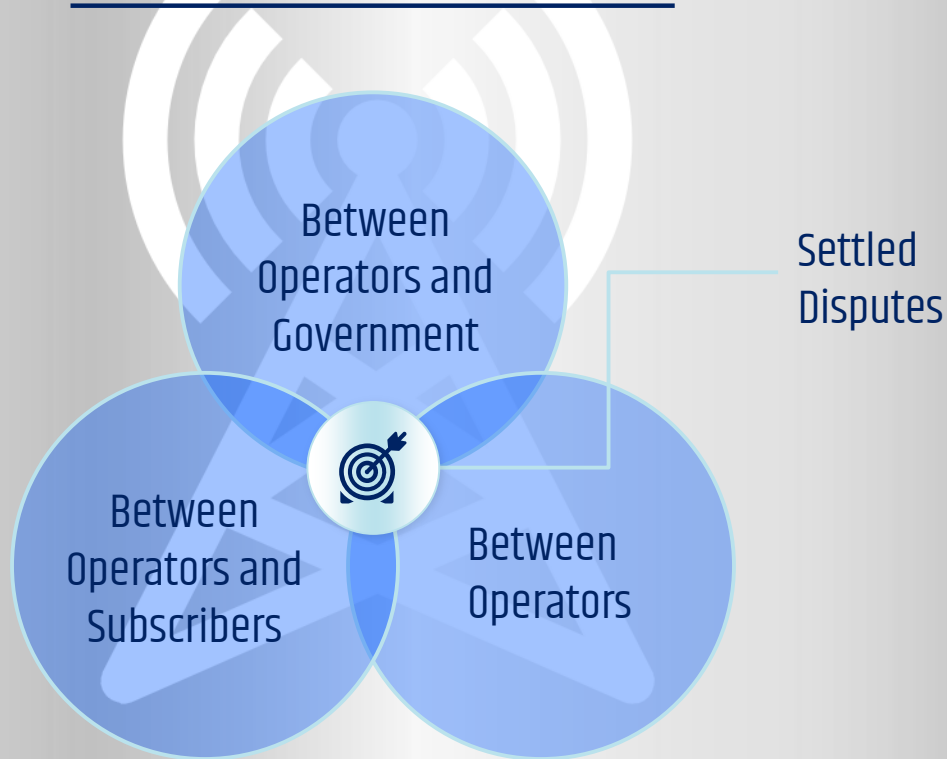
Established in
2000

Chairperson: Mr.
Hon'ble Justice
Dhirubhai
Naranbhai Patel

Hon'ble Mr. Justice
Ram Krishna
Gautam

Mr. Subodh
Kumar Verma

Evolution of TDSAT



Evolution of TDSAT

- The evolution of the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) is a fascinating journey that traces back to the revolutionary changes brought *about* by ***the 1997 Act in India*** which laid the foundation for a new era of communication renaissance in the country.
- With the rapid advancements in telecommunications, the need for a dedicated regulatory framework became imperative, leading to the establishment of the ***Telecom Regulatory Authority of India (TRAI) in 1997.***
- This regulatory body was entrusted with the responsibility of ensuring fair competition, consumer protection, and the smooth functioning of the telecom sector.
- However, as the telecom industry expanded and complex disputes emerged, it became clear that an impartial appellate body was necessary to resolve conflicts and provide effective remedies.

Evolution of TDSAT

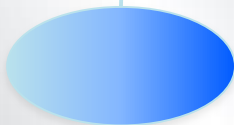
- This realization led to an amendment under TRAI Act, 1997 in 2000, wherein, a separate statutory dispute settlement and adjudicatory body was constituted known as ***TDSAT for adjudicating disputes between a licensor and licensee, between two or more service providers, between a service provider and a group of consumers, and also to hear and to dispose any appeals from the direction, decision or order of the Telecom Regulatory Authority of India (TRAI).***
- Thus vide amendment now TRAI Act, 1997, **provides a twin body system for redressal of disputes pertaining to service providers and other stakeholders which manifest in form of TRAI and TDSAT.**
- ***In 2001***, when TDSAT was established, Broadcasting was not the part of the Telecommunication Services until 2004 when the Central Government amended the Telegraph Act to include Broadcasting services and consequently disputes arising in Broadcasting sectors also came within the purview of the TDSAT.

Evolution of TDSAT

- Furthermore, TDSAT's evolution went beyond resolving disputes redressal with a proactive approach towards fostering growth and innovation in the broadcasting sector. The Tribunal's judgments and rulings have set important precedents, encouraging technological advancements, promoting consumer-friendly practices, and balancing the interests of various stakeholders. This progression reflected the dynamic nature of the telecom industry, keeping pace with the amalgamation of broadcasting services.

02

Evolving Jurisdiction



Adjudicating Disputes



Original Jurisdiction



Appellant Jurisdiction

- TDSAT is empowered to entertain all telecom & broadcasting disputes. It has exclusive jurisdiction to entertain all disputes whether it is telephony, cable or broadcasting.

Evolving Jurisdiction

- The Tribunal exercises jurisdiction over Telecom, Broadcasting. ***IT and Airport tariff matters under the TRAI Act, 1997 (as amended)***, the Information Technology Act, 2008 and the Airport Economic Regulatory Authority of India Act, 2008.
- The Tribunal exercises originally well as appellate jurisdiction in regard to Telecom, Broadcasting and Airport tariff matters. ***In regard to Cyber matters the Tribunal exercises the appellate jurisdiction.***

Powers and Regulations

- TDSAT and TRAI work closely together to ensure that the telecom sector in India is well-regulated and that the interests of all stakeholders are protected. TDSAT and TRAI play an important role in the regulation of the telecom sector in India.



Current Scenario

- The TDSAT's jurisdiction was recently expanded to include disputes arising from the use of Aadhaar. The Government of India stated that the TDSAT would have jurisdiction to hear and decide appeals against orders issued by the Unique Identification Authority of India (UIDAI) under the Aadhaar Act, 2016.
- The expansion of the TDSAT's jurisdiction to include Aadhaar disputes is a significant development, as it will provide a forum for resolving disputes between individuals and the UIDAI. The TDSAT is an independent body with a history of fair and impartial decision-making, and its involvement in Aadhaar disputes is likely to provide much-needed clarity and certainty in this area.
- The TDSAT's decisions on Aadhaar disputes will be **binding on all parties involved, including the UIDAI**. This means that the UIDAI will be required to comply with the TDSAT's decisions. This is a significant development, and it is likely to have a net positive impact on the Aadhaar ecosystem.

03



Dinstinction



Consumer

Fairness

Fairness and competence

- Earlier an elongated Trial procedure was conducted for adjudication of disputes pending before TDSAT in similar lines of Civil Court despite the fact that the TRAI Act provide that :-
 - a) The Tribunal is not bound by the procedure laid down by the code of Civil Procedure, 1908 and Indian Evidence Act 1872,
 - b) Tribunal has power to regulate its own procedure;
 - c) It is to be guided by the Principles of natural justice.
- When former Hon'ble Mr. Justice Shiva Kirti Singh assumed the office of Chairperson of TDSAT in 2017, TDSAT got recognized for doing-away with the mandatory procedures prescribed for trial with sole objective to expedite the redressal /adjudicatory process which in turn expedited the case resolution process.

Fairness and competence

- When our present Chairperson Justice Dhirubhai Naranbhai Patel assumed office, he observed that the Respondent in many cases have been absconding from participation in day to day proceedings/hearing in order to frustrate the orders passed by the Tribunal resulting into miscarriage and subversion of justice and the mandate of the Act.
- In the interest of justice, the Hon'ble Chairperson in a bold endeavor adopted certain out of box procedures which was generally not exercised earlier like **Issuance of bailable and non-bailable warrants to the non-appearing parties, which also includes passing of orders for the appearance of the opposite side through summoning the DSP, SP, or other officers of the State.**
- This power has been used by TDSAT to fairly and effectively adjudicate pending disputes in just and expeditious manner.

04

Observation



Disposal



Litigation

Observation

- *From the above analysis of evolution and working of TDSAT, it can be inferred that the mandate of TDSAT has undergone changes since its inception. In recent context it has been acute rise in the number of cases coming before the TDSAT.*
- *TDSAT is regarded as one of the most efficient Tribunals in the country One suggestion / observation that TDSAT has been functioning from the Samrat Hotel for many years and has faced issues like lack of space for storage and accommodation of Benches and staff.*

Thankyou