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DoT should consider giving quasi-judicial powers to Trai: Sibal

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NEW DELHI: Telecom Minister Kapil Sibal has asked Department of Telecom (DoT) to consider giving Trai quasi-judicial powers to adjudicate on penalties imposed by the department on telecom service providers.

"The Department may like to vest such powers in the Trai which is a statutory authority, entitled to regulate the conduct of Telecom service providers," Sibal said in a letter to Department of Telecom (DoT) Secretary R Chandrasekhar.

Quasi-judicial refers to the actions of an agency, board, or other government entity in which there are hearings, orders, judgements or other activities similar to those conducted by courts or body.

The latest communication from Sibal is in continuation of the letter he had written on August 2, 2011, wherein he had raised the issues relating to imposition of penalties on telecom licensees by DoT.

Last week, Sibal had asked DoT to evolve guidelines to reduce the element of its discretion while deciding penalty for violation of licence conditions and make the process as scientific as possible.

As of now the Department of Telecom (DoT) has been levying maximum penalty of Rs 50 crore for all cases of violations of license conditions.

In the letter issued this week, Sibal has suggested that one of the solutions the DoT could consider is to put in place quasi-judicial procedures in the determination of violation by telecom service providers, and also vest in an authority the power to impose such penalties.

"This, of course, would have to be done after following the principles of natural justice. The department will also have to consider setting up a hierarchy of quasi-judicial authority for the determination of such issues," the letter added.

In the previous communication to Chandrasekhar written on August 2, Sibal had said that it may be legal to impose the maximum penalty, but the fact that a penalty can be imposed up to Rs 50 crore itself requires the DoT to analyse the nature of violation and impose penalty commensurate with its gravity. He had said that not every violation should carry a penalty of Rs 50 crore.

"These are my initial views on the subject. I would like you to take a more considered view in consultation with stakeholders both inside and outside the Department and come up with a proposal. This will not only reduce arbitrariness but also bring an element of transparency in decision making," said the latest letter. PTI AKH TVS 08091553 NNNN

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