

Telecom Tribunal Reforms in Handling Data Protection Appeals

Why is in News?

Recently released draft Digital Personal Data Protection(DPDP) Rules, 2025 states that appeals from the DPB's decisions will be filed in digital form before the Telecom Disputes Settlement and Appellate Tribunal (TDSAT).

What is Telecom Disputes Settlement and Appellate Tribunal (TDSAT)?

- **TDSAT** - It was set up in 2000 under the TRAI Act of 1997, to adjudicate disputes and dispose of appeals with a view to protect the interests of service providers and consumers of the telecom sector.
- **Composition of TDSAT** - The Tribunal consists of a Chairperson and two Members appointed by the Central Government.
- **Qualification of Chairperson** - S/he should be or should have been a Judge of the Supreme Court or the Chief Justice of a High Court.
- **Qualification of member** - S/he should have held the post of Secretary to the Government of India (or)
 - Any equivalent post in the Central Government or the State Government for a period of not less than two years (or)
 - A person who is well versed in the field of technology, telecommunication, industry, commerce or administration.
- **Powers and 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 original as well as appellate jurisdiction in regard to Telecom, Broadcasting and Airport tariff matters.
 - In regard to Cyber matters the Tribunal exercises only the appellate jurisdiction.

What are the challenges for TDSAT in handling DPB appeals?

- **Lack of expertise in data protection** - TDSAT members are currently equipped to handle telecom-related disputes, but data protection involves unique issues like consent, data storage, and privacy laws.
- **Deficiency in infrastructure** - Since DPB appeals are to be filed digitally, TDSAT needs technological upgrades to process these efficiently.
- **High pendency of cases** - Of the cases filed between February 2020 to February 2025, there are still 3,448 that are pending.
- Appeals under the Digital Personal Data act will further burden TDSAT.

- **Time constraints** - The Digital Personal Data Protection Act mandates that appeals be resolved within six months.
- Meeting this timeline, given TDSAT's current backlog, is a significant challenge.
- **Resource allocation** - Handling DPB appeals will require additional resources, including staff, infrastructure, and funding, which may not be readily available.
- **Affect separation of powers** - The Union government's discretion to appoint members to the Data Protection Board (DPB or Board).
- The DPB has quasi-judicial functions, the control of the executive over appointments to the DPB have raised concerns on the separation of powers and the independence of the DPB.

What can be done ?

- There are three institutional reforms that will equip the TDSAT to handle appeals from the DPB.
- **Appointment of a Specialist in Data Protection** - A technical member with expertise in data protection laws can be appointed in the TDSAT.
- It increased capacity to swiftly dispose of appeals, and, technological updates to process digital filings.
- **Increase the strength** - More benches, judicial appointments, and increased funding are necessary to handle additional cases efficiently.
- **Infrastructure enhancement** - A robust digital infrastructure is critical to support the complexity, and potentially large volume, of data protection appeals.
- **Ensuring transparency and accountability** - It will be key to safeguarding citizens' privacy rights while maintaining regulatory efficiency.
- Annual Reports could be published with data on - Number of appeals filed, pending, resolved and Appeals categorized by telecom, broadcasting, and data protection.

Reference

[The Hindu | Telecom tribunal reforms to handle data protection pleas](#)

