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Subject: Comments on draft direction issued by TRAI 20/01/2016 on delivering broadband services on transparent manner

To: [kapilhanda@traai.gov.in](mailto:kapilhanda@traai.gov.in)

Sir,

In response to draft direction issued by TRAI on 20 January, 2016 regarding "Delivering Broadband Services in a Transparent Manner" I am herewith submitting my Comments representing consumers from the group of stakeholders.

First of all I want to thank you and TRAI on behalf of Indian Consumers for your initiative for taking of such action for increasing transparency.

Now coming to my Comments, I am reporting following issues faced by broadband consumers of India on the subject relevant to direction issued:

(Sources of information: experience of my own and my friends coupled with various online consumer forums)

1. There is practically always a large gap between speed promised by Internet Service Providers (ISP) and speed actually received by the consumers in all kind of plans (unlimited with or without FUP, limited, combo or any other) offered by ISP. e.g. a consumer opting for a 100 Mbps plan will normally get only speed less than 15 mbps. And this issue is faced by consumers of majority of the ISPs. I believe cause of such situations is that ISPs have included a tricky clause in their "terms and conditions" which is generally as follows: "Speed greater than 4 mbps is subject to technical feasibility. It is sole discretion of the company to decide technical feasibility." The wording and speed of the said clause can differ from ISP to ISP but a clause like this is always present and consumers are always kept in dark about meaning of such clause. Hence, it generally results in consumer exploitation as consumer pays larger amount to get more speed but is rarely given the promised speed resulting in large variations as stated in beginning. If an ISP does not have technical feasibility for speed greater than certain limit then he simply should not advertise and contract with consumers for broadband plans which are technically infeasible. Due to large variations in speed there is spreading of unwillingness on consumers part to choose any plan with speed above 2 mbps which in long run will be harmful to telecommunications industry.

2. There should be an exception for the requirements of minimum speed of 512 kbps for areas where consumers' purchasing power is low, for example small cities. Or else no ISP will be ready to provide services in such areas due to non-availability of adequate market of high or medium speed plan.

I request you kindly to look into above matters and take necessary action. Regards.

Thanking You,  
Vedant Desai