

TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA

NOTIFICATION

NEW DELHI, THE 24th JULY, 2014

F. No. 305-3/2014-QoS ----- In exercise of the powers conferred upon it under section 36, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997(24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to amend the Standards of Quality of Service for Wireless Data Services Regulations, 2012 (26 of 2012), namely:-

**THE STANDARDS OF QUALITY OF SERVICE FOR WIRELESS DATA SERVICES
(AMENDMENT) REGULATIONS, 2014 (10 OF 2014)**

1. (1) These regulations may be called the Standards of Quality of Service for Wireless Data Services (Amendment) Regulations, 2014(10 of 2014).

(2) They shall come into force after thirty days from the date of their publication in the Official Gazette.

2. After regulation 3 of the Standards of Quality of Service for Wireless Data Services Regulations, 2012 (26 of 2012) (hereinafter referred to as the principal regulations), the following regulation shall be inserted, namely:-

“3A. Download speed for wireless data services.-

(1) Every service provider shall, in all its wireless data plans, indicate the minimum download speed available to the consumers.

(2) Every service provider shall ensure that the minimum download speed, specified by it in its wireless data plans, is available to the consumer for not less than eighty percent of the usage time.”

3. In regulation 6 of the principal regulations, ---

(a) in sub-regulation (1), in clause (b), for the words, brackets and figures “sub-regulation (3) of regulation 3”, the words, brackets and figures “sub-regulation (2) of regulation 3” shall be substituted;

(b) in sub-regulation (2), after the words “specified in regulation 3” and before the words “in such manner”, the words “and regulation 3A” shall be inserted;

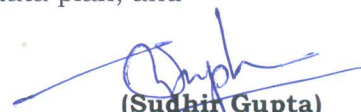
(c) after sub-regulation (3), the following sub-regulation shall be inserted, namely:-

“(4) Every service provider shall ensure that the details of minimum download speed available to the consumer, in its wireless data plans, are, ---

(a) printed on the vouchers of the wireless data plans;

(b) published on its website and all advertisements of wireless data plan; and

(c) available at its complaint centers and sale outlets.”


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Note.1. — The principal regulations were published in the Gazette of India, Extraordinary, Part III, Section 4 dated the 4th December, 2012 vide notification No. 305-12/2012-QoS dated the 4th December, 2012.

Note.2. --The Explanatory Memorandum explains the objects and reasons of the Standards of Quality of Service for Wireless Data Services (Amendment) Regulations, 2014.

Explanatory Memorandum

1. The Authority has laid down the Standards of Quality of Service for Wireless Data Services Regulations, 2012 (26 of 2012) on 4th December, 2012. These regulations contain a parameter 'Minimum download speed' to indicate the minimum download speed provided or available to various consumers who have subscribed to different tariff plans for wireless data services. The download speed in these regulations is explained in the explanatory memorandum as the data transmission rate that is achieved for downloading a test file from a test server to a test device. Further, the minimum download speed should be calculated from test calls made according to the measurement set-up specified in the main regulation. Test calls are to be made to weigh the results according to the patterns of real traffic. Minimum download speed shall be average of the lower 10% of all such test calls.

2. The Authority had not specified any benchmark for the parameter minimum download speed. The service provider has to measure the minimum download speed for each plan, as per the above measurement methodology, and report to the Authority. The Authority has been monitoring the minimum download speed reported by the service providers for each plan for the last three quarters. The Authority has been receiving complaints from consumers regarding poor download speed experienced by them. The Authority after examining the issue undertook a public consultation process to assess whether the minimum download speed for the wireless data services provided through various wireless technologies should have some benchmark. The need for publication of such minimum download speed, both by the Authority and the service providers, so as to protect the interest of consumers, was also a part of consultation. In this regard, a Consultation Paper on "Amendment to the Standards of Quality of Service for Wireless Data Services Regulations, 2012" was posted in TRAI website on 21.4.2014 for comments of the stakeholders by 19th May, 2014 and counter comments by 26th May, 2014. Comments were received from 57 stakeholders – 11 from telecom service providers, 2 from telecom service providers' associations, GSM Association, 4 from consumer advocacy groups and 40 individuals. Counter comments were received from one telecom service provider, 2 consumer advocacy groups and 2 individuals.

3. The service providers and their associations have opposed the proposal to prescribe the benchmarks for minimum download speed. Their main concerns in this regard were limited availability of spectrum in 2G/3G bands per operators, low coverage zones such as basements, high rise building clusters, tunnels etc., subscribers device quality and type, number of subscribers browsing the data services, peak/off peak time, transmission bandwidth, external interference, website behaviour etc. Some of them had also submitted that the fair usage policy terms and conditions will have an impact on minimum download speed. Considering the views of stakeholders, the Authority has decided that the benchmark for the minimum download speed for various technologies may not be prescribed. But in all tariff offers of wireless data services, including tariff offered through tariff plans, vouchers, tariff offered for services provided through dongle or through other means, the minimum download speed shall be specified by the service provider to the customer. Also such minimum download speed shall be reported to TRAI along with tariff filing.

4. The Authority also decided that in addition to providing such information on their website and mentioning it in all advertisements, in telephone bills and in vouchers, such information shall also be available in the complaint centres of service providers and their sales offices/outlets. Also the service providers have to publish, on a quarterly basis, on their website the minimum download speed achieved for each of the tariff offers. The Authority will also publish on its website on a quarterly basis the minimum download speed for each of the tariff offers submitted by service providers.



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