

**BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (CHHATTISGARH)**

Writ Petition (PIL). No. /2016

(PUBLIC INTEREST LITIGATION)

PETITIONER

Dilip Kumar Bhandari S/o Late Shri Ratan Prakash Bhandari, age about 61 years, Occupation – Social Worker, Resident of 32/7, Bhandari Bhavan, Tikrapara, Bilaspur, P.S- City Kotwali, Tahsil and District – Bilaspur (Chhattisgarh)

VERSUS

RESPONDENTS

1. **Union of India**, Through: Secretary, Department of telecommunications, Sanchar Bhawan 20, Ashoka Road, New Delhi – 110001.
2. **Telecom Regulatory Authority of India**, Through: Secretary, Mahanagar Doorsanchar Bhawan, Jawarhar Lal Nehru Marg, (Old Minto Road) New Delhi- 110002
3. **DEPUTY DIRECTOR GENERAL** ,(Telecom Enforcement, Resource and Monitoring) 2nd floor, CTO Building, G.E. Road, Jai Stambh Chowk, RAIPUR (CG) 492 001

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA, FOR THE ISSUANCE OF DIRECTION (S) OR ORDER (S).**

The above named petitioner most humbly and respectfully begs to
submit as under: -

1. **PARTICULARS OF THE PETITIONER:**

As per the cause title.

2. PARTICULARS OF THE RESPONDENTS:

As per the cause title.

3. (A) PARTICULAR OF THE ORDER/MATTER AGAINST WHICH THE PETITION IS BEING MADE:

The petitioner is not challenging any specific order, but questioning the negligent and careless attitude of the respondent authorities, who have not implemented the “**National Telecom Policy – 2012**”(Hereinafter called as NTP-2012)in suppression of the definition of broadband contained in Broadband Policy 2004 even after various recommendations by the **Telecom regulatory Authority of India.**

(B) SUBJECT MATTER IN BRIEF

The petitioner is questioning the negligent, careless and slipshod attitude of the respondent authorities, who have not been complying and negligently ignoring National Telecom Policy- 2012 which have been formulated by the very authorities, where in it has been specifically mentioned in point 1.5 of part IV (Strategies) that – “*To revise existing broadband speed of 256 Kbps to 512 Kbps and subsequently to 2 Mbps by 2015 and higher speeds of at least 100 Mbps thereafter.*”Even after various recommendations and status paper of Telecom Regularity Authority of India (referred hereinafter as TRAI),the Department of Telecommunications turned out to be a bad egg.

(C)(I) The present petition under article 226 of the constitution of India is being filed by way of public interest litigation and petitioner has no

personal interest to file this petition. The petition is being filed in the interest of human being to use the Internet in its accentuated manner.

- (II) That the petitioner is a Social Worker, working in the International Association of Lions Clubs and. In order to serve the country and human being, the petitioner being and his service to social transformation is not insignificant, since the intention of the petitioner is to serve the poorest section and to digitally empower multiple dimensions of the society without having any remuneration.
- (III) That the petitioner has filed the present petition on his own and not at the instance of anyone else. The litigation cost including the advocate's fee and the traveling expenses of the lawyer, if any, are being born by the petitioner himself.
- (IV) That the source of the information of the facts pleaded in this public interest litigation, is based on the relevant documents and the information given by the official website of the respondent no. 2i.e.www.trai.gov.in. The petitioner has also collected data and statistics from the various authorized International Organizations.
- (V) That, the petitioner has not sent representation in this regard.
- (VI) That no public interest petition raising the same issues has never been filed by the petitioner before this Hon'ble Court or before any other court of law.

4. **WHETHER CAVEAT FILED**

The petitioner hereby declares that he has not received any copy of caveat, relating to this petition.

5. **DETAILS OF REMEDIES EXHAUSTED:**

The petitioner declares that he has no other alternative or efficacious remedy except to approach before this Hon'ble Court under Article 226 of the Constitution of India.

6. **MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OF LAW.**

The petitioner declares that it is the first writ petition before this Hon'ble Court. It is further declares that no any petition of this nature has been filed or pending before this Hon'ble Court.

7. **DELAY IF ANY IN FILING THE PETITION**

The Petitioner declares that petition has been filed within limitation.

8. **FACTS OF THE CASE:**

The facts of the case are given below: -

8.1 That, the petitioner is a citizen of India and he is entitled to enjoy all the benefits of fundamental rights extended to the citizens of India that is enshrined in part III of the Constitution of India including the equality before law.

8.2 That, the petitioner is a social worker associated with a prominent organization named as The International Association of lions Clubs & serving the said organization as a President in District 323-C. In order to serve the country and human being, the petitioner opted the social service. His social service is not insignificant, since the intention of the petitioner is to serve the poorest section of society and to digitally empower every corner in multiple dimensions, without having any

remuneration. A copy of identification is filed herewith as **ANNEXURE P/1.**

- 8.3 That, internet which began as a means of transmission of electronic information from a room sized computer to another room sized computer has transformed into an omnipresent global system of interconnected computer networks, that link several billion devices worldwide. Every minute, hundreds and millions of people are creating and consuming an enormous amount of digital content. As digital connectivity reaches the far corners of the globe, *Netizens* are using it to improve a wide range of inefficient markets, systems and behaviors. Broadband plays a critical role in economy and contributes significantly to the development and social progress of a country. It not only increases competitiveness and productivity but also helps the economy to eliminate the social divide and accomplish inclusive growth.
- 8.4 That, as economics have moved to become more knowledge-intensive, information-rich activities will increase; new content will be created, collected, managed, processed, stored, delivered and accessed. With a broadband connection each user can become a producer of content this will spawn new business and will give further boost to utilization of broadband.
- 8.5 That, internet is largely recognized as a general purpose technology, and broadband is regarded as a basic infrastructure, in the same way as the electricity, water or roads many even considered the internet as

fundamental human right and some countries have started to put up in place legislations stipulating that excess of internet is a human right for their citizens. Finland has declared internet a legal right recognizing the importance of broadband. On the other hand India is still struggling from the minimum internet speed of 512 kbps.

- 8.6 That, after the liberalization in 1990's the telecom sector which was owned and controlled by telecom sector was liberalized. The government soon unveiled the National Telecom policy 1994. Later the government anticipated that a major part of the growth of the country's GDP would be reliant on direct and indirect contributions of the telecom sector and accordingly the need for a comprehensive and forward looking telecommunications policy was felt. This then paved way for new telecom Policy 1999 which largely focused on creating an environment for attracting continuous investment in the telecom sector and allowed creation of communication infrastructure by leveraging on technological development.
- 8.7 That, due to the stagnation of growth of this industry over the past couple of years for various reasons, the DOT introduced the National Telecom Policy 2012 ("NTP 2012") in an attempt to align efforts of policy makers, stakeholders and law makers to achieve a common goal.
- 8.8 That, The preamble to the NTP 2012 reads as follows:
"Telecommunication has emerged as a key driver of economic and social development in an increasingly knowledge intensive global

scenario, in which India needs to play a leadership role. National Telecom Policy-2012 is designed to ensure that India plays this role effectively and transforms the socio-economic scenario through accelerated equitable and inclusive economic growth by laying special emphasis on providing affordable and quality telecommunication services in rural and remote areas.”

8.9 That, TRAI is an autonomous statutory body established under Telecom Regulatory Authority of India Act, 1997 (“TRAI Act”) (discussed In Chapter IV of this paper). Liberalization made it necessary for the Government to ensure that there is an independent communications regulator. TRAI acts as an independent regulator of the telecommunications industry in the country. One of the main objectives of TRAI is to provide a fair and transparent policy environment which promotes a level playing field and facilitates fair competition amongst various telecom players. TRAI’s powers are recommendatory, mandatory, regulatory and judicial.

8.10 That, TRAI is the sole authority empowered to take binding decisions on fixation of tariffs for provision of telecommunication services. Emphasis needs to be placed on the interplay between the recommendatory powers of TRAI and the policy making powers of DOT. While the DOT is the sole authority for licensing of all telecommunications services in India, it is mandatory for the DOT to have before it TRAI’s recommendations with regard to matters over which TRAI has recommendatory powers.

8.11 That, the respondent authorities have not implemented the “**National Telecom Policy – 2012**” in suppression of the definition of broadband contained in Broadband Policy 2004 even after various recommendations by the **Telecom regulatory Authority of India**. Copy of policy 2012 with press information bureau is filed herewith as **ANNEXURE P/2**.

8.12 That in exercise of the powers conferred by Section 36, read with Sub section (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) (herein after referred as Principle Act), whereby the telecom regulatory authority of India has adopted the meaning of the **Broadband** from Broadband Policy – 2004 (*hereinafter called as Policy 2004*). Copy of policy 2004 is filed herewith as **ANNEXURE P/3** and enumerated the same in the Telecom consumer’s complaint redressal regulations 2012 and Quality of service of Broadband service regulations, 2006.

8.13 That, a bare reading of Policy 2004 which defines ‘Broadband’ as below;-

“Broadband or broadband service means a data connection that is able to support interactive services including internet access and has the capability of minimum download speed of five hundred and twelve kilo bits per second (512 kbps) to an individual subscriber from the point of presence (POP) of the service provider intending to provide broadband service.”

8.14 That, the Department of Telecommunication under the Ministry of Communications and IT issued the “NATIONAL TELECOM POLICY 2012”ANNEXURE P/2 vide notification No. 2-8/2012-Policy-I dated 13th June, 2012 wherein it has been specifically mentioned in the OBJECTIVES that:

“3. Provide affordable and reliable broadband on demand by the year 2015 and to achieve 175 million broadband connections by the year 2017 and 600 million by the year 2020 at minimum 2 Mbps download speed and making available higher speeds of at least 100 Mbps on demand.”

It is imperative to mention here that, in the STRATEGIES of the NTP 2012 that:

“1.5 To revive the existing broadband download speed of 256 Kbps to 512 Kbps and subsequently to 2 Mbps by 2015 and higher speed of at least 100 Mbps thereafter”.

8.15 That the internet is largely recognized as a general purpose technology and broadband is regarded as a basic infrastructure, in the same ways as the electricity, water or roads. Many even consider internet as a “Fundamental human right”, and some countries have started to put in place legislation stipulated that the access to the internet is a human right for their citizens. Finland has declared as legal right recognizing some importance of broadband, several countries have developed there “National Broadband Plan”, which has country- specific broadband goals along with the detailed action plans

whereas India is still struggling for the basic support on the minimum parameter of internet speed.

8.16 That, the TRAI, issued a Status Paper on Broadband speed on January 2008; the same is filed herewith as **ANNEXURE-P/4**. By virtue of the said memo, the TRAI illuminated the fact that the large numbers of countries are having minimum broadband connection speed more than or equal to 2Mbps. accordingly the speed of broadband in India is required to be increased.

8.17 That, after the detailed analysis, before the NTP-2012 came into existence, TRAI vide its Recommendation dated 8/12/2010, Chapter 6 'Other Supporting Measures', in paragraph 6.22 has indicatively recommended that

“6.22 – It is to be noted that the upload speed will at least be half the download speed. This Definition of broadband (Both wire-line and wireless) given in Para 6.21 above, which will be effective from 1st January 2011. The Stipulated download speed of 2Mbps will be effective from 1st January 2015.”

Copy of recommendation dated 08.12.2010 is filed herewith as

(ANNEXURE- P/5)

8.18 That, TRAI through vide its **letter bearing No. 341-18/2011-CA** dated 4th may 2011 (**ANNEXURE P/6**) has again precisely recommended that:-

“6.22 It is to be noted that the upload speed will be at least be half the download speed. This definition of broadband

(Both wire line and wireless) given in Para 6.21 above, which will be effective from 1st January 2011. The stipulated download speed of 2 Mbps will be effective from 1st January 2015.

8.19 That, recently on 24th may 2016 TRAI on its letter No. 7-3/2016-BB&PA replied to DOT on redefining the definition of broadband speed /increasing the broadband speed so that suitable reply may be given to *Shri K.Parsuraman* (member Lok Sabha) on his request on redefining the speed of broadband, in which TRAI vide its Annexure has made an comparison of India along with other countries and specifically mentioned in the end report that;

“In view of the above, Authority recommends that the current definition of broadband in country be reviewed and minimum download speed be increased to 2 Mbps.” A copy of information dated 24.5.2016 is filed herewith as **(ANNEXURE P/7)**

8.20 That the “Fair Usage Policy” has been adopted and implemented by all the Internet Service providers which allows them to throttle the internet speed after certain limit and drag it down to minimum 512 Kbps which is a direct effect of Impugned Definition which allows the minimum speed of broadband as 512 Kbps. A website copy of Plan of BSNL and Airtel is filed herewith as **(ANNEXURE-P/8)**

8.21 That the International organization “Freedom House” in their report “Freedom on the Net 2015” obtained on website **(ANNEXURE-P/9)** have referred the report of Akamai, The State of the internet , Q1,

2015 Report, volume 8 No.1, May 2015 , Page 30 that “*The Minimum speed required to qualify as broadband in India was raised to 512Kbps in 2012. However, this is one of the lowest average of broadband speeds in Asia and remains below the global average speed of 5 Mbps. Akamai’s State of internet report ranked India 115 out of 135 countries, measuring average speed at 2.3 Percent*” and even after such International Reports DOT has not turned the single stone to changed the Impugned NTP-2012.

8.22 That the part implementation of NTP-2012 has been done by Ministry of Communication and Information Technology and DOT vide its Notification dated 18th of July in The Gazette of India, through which the speed of 256 Kbps was increased to 512Kbps after a prolong delay. Copy of gazette is filed herewith as **(ANNEXURE- P/10)**

8.23 That, Department of Telecommunications in order to ensure that service providers adhere to the license conditions and for taking care of telecom network security issues. With the growth of private telecom and internet services, an increase in illegal / clandestine telecom operations was also observed. To address these issues, the Government created initially four Vigilance Telecom Monitoring cells (VTM) in Nov.2004, Later the name of VTM Cells has been changed to Telecom Enforcement, Resource and Monitoring (herein after mentioned as TERM) Cells w.e.f 5th August 2008. The TERM was established in Chhattisgarh in January 2007. It is the duty of the term to enforce the functions of DOT, even after TERM being an operational

body under DOT; TERM did not informed or enquires about the delays in non enforcement of the Policy.

8.24 That, Today's internet allows a consumer to access almost every possible service required for information, education, entertainment and commerce. Even personalized services- such as booking taxi ride or operating a bank account, can be accessed through it. It is effectively redefining the conventional marketplace now. These advancements have brought about a fundamental shifts in the way businesses gain access to their customer and because of the limited speed criteria under the fair usage policy and the throttle of speed to 512 kbps is hampering the right to practice any profession, or to carry on any occupation, trade or business i.e. Article 19(1) (g), of the Constitution of India, as the slow speed is the major road block, especially in the time when the bulk population among the consumers depends on e-commerce for their major consumption of goods.

8.25 That, the government of India has launched multiple schemes which promises to connect India Digitally in multiple dimensions like – “**Make in India**”, “**Digital India**” and others with the ultimate goal to digitally empower India and to place India on a competitive global stage, such a minimum slow speed of 512 Kbps is harming the global integrity of India as India's minimum internet speed is lowest amongst the BRICS Countries (Brazil, Russia, India, China and South Africa.), which is a mere mortification as it is putting down the global Integrity of India.

8.26 That, Initially broadband was mainly used for various elementary applications like e-mail, voice chatting and text information. For these applications the speed of 512 kbps was considered sufficient. Presently, broadband has become the leading delivery system for a wide range of content and applications. People now days have started using different platforms on different operating system which has lead to many data consuming applications. From information based websites/applications till the social media, each application requires intensive data usage and with the speed of 512 Kbps every website/ application is a struggle and it is hampering the very basic fundamental right to "Speech and Expression" constrained in Article 19,(1),(a) of the Constitution of India.

8.27 That, it has been stated in People's union for civil liberties v. Union of India, (2003)4 SCC 399, that;-

Freedom of speech and expression, just as the equality clause and the guarantee of life and liberty, has been very broadly construed by this court right from the 1950s. It has been variously described as a "Basic human right", "a natural right" and the like. It embraces within its scope the freedom of propagation and interchange of ideas, dissemination of information which would help formation of one's opinion and viewpoint and debates on the matters of public concern.

And therefore usage of internet in a limited scope, i.e., till the cretin limit is a bar in dissemination of Information and hence it violates the basic fundamental right of "Speech and Expression".

8.28 That, In view of the transnational developments when distances are shrinking, international communities are coming together for cooperation in various spheres and they are moving towards global perceptiveness in various fields including human rights, the expression “liberty” must receive an expanded meaning.

The expression cannot be limited to mere absence of bodily restraint. It is wide enough to expand full range of rights including right to hold particular opinion and right to sustain and nurture the opinion. For sustaining and nurturing that opinion it becomes necessary to receive information. Article 21 confers on all persons a right to know which includes a right to receive information and it is the slow internet throttled speed which confines the right to know in a limited scope.

8.29 That in view of the above, it is crystal clear that, even after the several recommendations by the TRAI regarding the redefining of the definition of broadband, the DOT is not implementing the said recommendation which is in contravention of the nature of public interest. Hence this petition on following legal grounds :-

9. **GROUND URGED:**

9.1 Because, the National Telecom Policy – 2012, which was Formulated by Department of telecommunications under the Ministry of Communications & Information Technology in which it has been clearly mentioned that the internet speed will be revived to 2 mbps by the year

2015. It is a mere an irony that DOT and Ministry are not abiding their own polices.

9.2 Because, it was commented in ANNEXURE-P/6, Page no.3 that it is universally recognized that minimum speed as per the definition of broadband in India is very low i.e. 256Kbps. What has been proposed by the authority as part of the national broadband plan is a minimum download speed off 512Kbps immediately and 2Mbps by 1st January 2015. It is absolutely essential that this definition is adopted; ***failing which there will be serious quality of service issues.***

9.3 Because in the (ANNEXURE-P/7) the letter D.O No. 7-3/2016-BB&PA, dated 24th may 2016, paragraph 4, TRAI has categorically mentioned that ***“Speed is one of the key factors which attract potential users to become Broadband Subscribers. Speeds must be above a certain threshold to enable use of desired applications such as video viewing or gaming. As Broadband connections have become faster and more widespread, website designers have taken advantage of added bandwidth to offer richer and more complex websites. A verity of tariff offerings with different speeds provides greater choice of uses”***

This *Prima Facie* shows that the requirement of speed in today’s time is much more then what is been functioning right now to use the very basics of internet.

9.4 Because it is pertinent to mention here that the use of internet has increased in a tremendous manner and nowadays every basic thing

requires internet from School Education till the food ordering, the usage of internet in a limit basis is harming the Public Interest at large.

9.5 Because, there are Numerous jobs which are carried out on the basis of just internet and the non implementation of the impugned policy is hampering the right to profession which is contrary to the Fundamental rights Article 19(1, (g) of The Constitution of India.

9.6 Because, economy of the country and Information and Communication Technology (hereinafter will be referred as ICT) has a recursive relationship. They help each other grow. However, this does not happen by itself. Appropriate measures needs to be taken to ensure that the window of opportunity is not lost. Broadband is by far the most important element of ICT today, having the latest impact of GDP. Broadband enables improved performance of ICT which in turn have a fundamental impact on the way economics world and contributes to productivity growth by expanding markets, increasing business efficiency and reinforcing competitive pressure. Relative to each other historical general purpose development such as railways and electricity the impacts may be larger and materialized more rapidly. Broadband infrastructure enables country wise facilities like health care, education, energy, job training, civic management, government performances and public safety. As per World Bank, in low-middle-income countries every 10% increase in penetration accelerates economic growth by 1.38% points- more than in high-income countries and more than for other telecommunications services. In a similar

study McKinsey and Company estimated that a 10% increase in house hold penetration delivers a boost to countries GDP that ranges from 0.1% to 1.4%.

Unfortunately on the one stage, India's Broadband story has not so far, been impressive. In absolute terms China and USA had about 120 million and 85 million connections respectively by June 2010 in comparison to India's 10 million. An analysis for the European Commission as refereed in page no. 6 Para 11, (**ANNEXURE –P/5**) estimates that broadband can create more than 2 million jobs in Europe by 2015 and an increase in GDP of least EUR 636 billion. A study in Brazil reported that broadband added up to 1.4% to the employment growth rate. In China every 10% in broadband penetration is seen as contributing an additional 2.5% to GDP growth.

9.7 Higher electronic communication speeds are relevant in knowledge based communities. This is because it spurs productivity and hence increases competitiveness, which given GDP an ability to grow. Increase in broadband speed leads to more jobs. The main reason is building of new infrastructure. In the long run there are indirect effects that create new jobs, triggered by enhancing innovations resulting in new services.

As per ITU's, (**ITU- International Telecommunication union**) is the United Nations specialized agency for information and communication technologies) "Working together to connect the world by 2020" paper realized during the world economic forum summit

2016, “based on significant body of research on the economic impact of broadband, it is generally accepted that the broadband has beneficial impact on economic growth. Moreover, some research suggests that broadband speed matters”. An area of surfing reduces with reduction of speed as new technological inventions leads to emergence of new complex websites accessible at higher speed.

- 9.8 Because, Telecom Enforcement, Resource and Monitoring Cells (TERM Cells) are being formed by DOT to carry out the functions of Vigilance, Monitoring, Security and Implementation of policy throughout the state, TERM is the 1st body to get directly connected with the people on the local level. TERM has not informed or enquired about the non enforcement of policy from 512 Kbps to 2 Mbps from 1st January 2015 even after the repeated recommendations of TRAI.
- 9.9 Because, adoptions of applications like cloud computing, server farming and decentralization of process will further require robust and scalable broadband infrastructure with higher emphasis on quality. Developments like smart grids in power management and GIS/GPS in transportation are revolutionizing public infrastructure but need high bandwidth, robust and reliable networks.
- 9.10 Because, initially the broadband was mainly used for various elementary applications like e mail, voice chatting and text information. For this applications, speed of 512 kbps was considered sufficient, presently broadband has become a leading delivery system for wide range of content and applications.

This change in the usage pattern has enhanced the bandwidth requirement per house hold therefore the existing speed of 512kbps may not support many of these applications and there is a need to review the existing definition of broadband.

- 9.11 Because, the Union Cabinet on 31.05.2012 had approved the NTP-2012, wherein it has stated that the policy seeks to provide a predictable and stable policy regime for a period of about 10 years. The period of 10 years would mean, the period from 2012 to 2022 & this approval of the Union Cabinet clearly signifies that the NTP-2012 is a policy which will be stabilizing the functioning, growth & development of the country in the sphere of telecom sector, till 2022, which would further mean that the chances of formulation of any new telecom policy till the year 2022 are very bleak.
- 9.12 Because, in view of the use of video and bandwidth intensive applications the futuristic demand, the minimum speed of broadband connection should be enhanced to minimum 2 mbps and TRAI recommends in view of their stake holders that this benchmark for speed should be annually reviewed because such a slow speed is hampering the sectors like **e-education, e-health, e-commerce, e-banking, e-governance, e-entertainment and social behavior.**
- 9.13 Because, '**Digital India**' is one a program to prepare India for a acknowledge feature. The Government of India has laid emphasis on national e-governance plan and has given its approval for Digital India- A program to transform India into Digital Empowered Society and

acknowledge Economy. But it is obnoxious that due to the lethargic approach and conduct of the respondent authorities, the same cannot be fulfilled and consequently the spirit of the Program of Digital India is hampered.

9.14 Because in period of global competitiveness, where United States of America has 25Mbps, Brazil has 1 Mbps, Canada has 1.5 Mbps and even Bangladesh has 1 Mbps as their definition of Broadband, on the other hand, India has a sordid situation with 512Kbps as the minimum Speed in the definition of Broadband which is clearly harming the reputation of India in Global Scenario.

9.15 Because, respondent authorities have kept the whole thing behind closed doors till date and have not assigned any reasons for delays in implementing the NTP-2012 and keeping the whole thing closed as an oyster.

10 **RELIEF'S SOUGHT:**

In view of the facts mentioned above, the petitioner prays for the following relief: -

10.1 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to the function and operation of DOT in relation with their efforts on implementing the NTP-2012 and upgrading the speed from 512Kbps to 2 Mbps.

10.2 The Hon'ble Court may kindly be please to issue directions to Ministry of Communication and Information technology accompanied by

Department of Telecommunication to implement the policy as stated in point 1.5 of part IV (Strategies) contained in the National Telecom Policy- 2012 at the same price at which the current minimum broadband speed is provided.

10.3 That, the Hon'ble Court may kindly be pleased to direct the Ministry and DOT to make impugned changes within the stipulated period of time as it has already been delayed by 19 Months.

10.4 That, the Hon'ble Court may kindly be pleased to grant any other relief, as if may deem fit and appropriate.

10.5 Cost of the petitions awarded and security deposit be ordered to be refunded.

An affidavit in support of the petition is filed herewith.

BILASPUR :
DATED: 07/08/2016

(PALASH TIWARI)
COUNSEL FOR THE PETITIONER

CERTIFICATE

It is certified that due care has been taken in the case to comply with the provisions of Chhattisgarh High Court Rules.

BILASPUR :
DATED: 07/08/2016

(PALASH TIWARI)
COUNSEL FOR THE PETITIONER

**BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (CHHATTISGARH)**

Writ Petition (PIL). No. /2016

(PUBLIC INTEREST LITIGATION)

PETITIONER

Dilip Kumar Bhandari

VERSUS

RESPONDENTS

Union of India, & Others

SYNOPSIS

The Instant Writ Petition has been filed regarding the non enforcement of National Telecom Policy- 2012, whereby it has been decided that the broadband speed of 512Kbps will be revised to 2 Mbps w.e.f January 2015. Even after various recommendations of Telecom Regulatory Authority of India, the respondent no. 1 is not implementing the same in term of National Telecom Policy- 2012 resultantly such a slow speed of broadband is hampering the right of citizens including the petitioner, and also effecting multiple sectors like **e-education, e-health, e-commerce, e-banking, e-governance, e-entertainment and social behavior**. The Growth of telecom sector in the country is directly proportional to the increase in GDP (Gross Domestic Product) which would ultimately leads to the development of the country, but due to the lethargic approach of Respondent authorities, not only the petitioner but the privilege of 159.76 Million Broadband subscriber is also hindered.