

To  
Ms Vinod Kotwal,  
Advisor (F&EA)  
Telecom Regulatory Authority of India,  
New Delhi

Subject: Response to TRAI's Consultation Paper on Differential Pricing for Data Services, Dated 9<sup>th</sup> December, 2015

Dear Advisor,

TRAI in its paper has rightly decided on the **guiding principles** which are paramount in discussing the various issues related to this paper viz – Transparency, Non-Discriminatory, Non-Predatory, Non-Ambiguous, Not Misleading and Not Anti Competitive practice.

With reference to the above consultation paper, I'd like to put forward my thoughts which shall stand on record with the office of the Telecom Regulator (TRAI), keeping the interest of the consumer and the ecosystem at large within the ambit of the above guiding principles.

**Question 1: Should the TSPs be allowed to have differential pricing for data usage for accessing different websites, applications or platforms?**

**Response:** In the Negative for the following reasons.

TRAI has very well elaborated and understood the issue as highlighted in paragraphs 12, 13 and 14 of the consultation paper. However, India being the largest democracy in the world, we want our "Communication Network" to function the same way upholding the spirit of the guiding principles as laid down in the paper.

Facebook, the behemoth social network has been advertising aggressively to promote "Free Basics" i.e to have an agreement with TSPs to provide consumers free access to its social network. However, social experience is all about sharing. For example, if consumer "A" shares a video going viral on a Newspaper Website [i.e. content on a Non Facebook Network] and Consumers "B", "C"... "J" views the same, TSP will naturally bill all the 9 consumers and the irate consumers have no choice but to start complaining about the same since they'd be under the impression access to facebook is FREE.

At this stage I'd like to remind myself and the authorities of the massive "[Mobile Deduction Scam](#)" that shocked Pre-Paid mobile subscribers where TSPs were il-legally activating Valued Added Service [You know the Modus Operandi in which it progressed]. It was only when TRAI intervened the scam was laid to rest, though it appears [no fine has been collected from the operators yet](#). From this experience it is amply clear that assuring access to Facebook is Free and **charging for the Video watched on Facebook without leaving the site will lead to unnecessary confusion as the average Indian consumer is not a Network Engineer** to determine from where the bits are streamed and whether he will be charged or not for watching the same.

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Additionally, Facebook will definitely cut a deal with the TSP where the former will reimburse the latter which are definitely against the guiding principles of TRAI's consultation paper. This will also kill the concept of fair and open market practice which is very essential to encourage the entrepreneurial spirit of Indians who do not have deep pockets yet their brains and hard work must help them reach the top.

In the larger interest of the student community, I first thought that access to domains like ".edu", ".ac.in" should be granted free internet access at all levels. However, the problem arises if the University has hosted Video / Study Material on a different site such as Amazon Cloud Storage and when the student accesses the same, he'll be billed for it, even though he has not visited outside the .edu domain. In short, the **Web and Social experience is all about cross linking and scripting which is impossible a scenario for an Indian Consumer to know when he will be charged for accessing** what content and this is a paramount factor as India is a highly price sensitive Telecom market.

**Question 2: If differential pricing for data usage is permitted, what measures should be adopted to ensure that the principles of nondiscrimination, transparency, affordable internet access, competition and market entry and innovation are addressed?**

**Response:** For reasons elaborated in response to Question 1, **please do not let differential pricing for Wireless / Wired Data Services in India. Let the consumer make his own choice on what to access or not** without any bias. It will be a clear case violation of the guiding principles and TRAI certainly doesn't want to have millions of complaints like the VAS – Pre-paid mobile balance deduction scam as Indian consumer is too naïve to avoid pitfalls set by few behemoths and TSPs in shady non transparent deals.

**Question 3: Are there alternative methods/technologies/business models, other than differentiated tariff plans, available to achieve the objective of providing free internet access to the consumers? If yes, please suggest/describe these methods /technologies/ business models. Also, describe the potential benefits and disadvantages associated with such methods / technologies /business models?**

**Response:** After over six decades of independence, we finally have a government which is willing to listen and evaluate prospects of implementation of ideas from its citizens. In this backdrop, I'd request that the Government to introduce "Massive Multiple Free Data Center" policy where any recognized educational institution in India can host "Unlimited" content in these data centers for the benefit of student community and access to this content should be free at all levels. Similarly, it should be extended to any ".gov.in" web-service as a part of the Policy to promote Digital India.

Regarding other alternative as discussed by TRAI in paragraph 19 of the paper

"delink free internet access from specific content, and instead limit it by volume or time" it appears to be the **best fit strategy** to go about, **only if it is absolutely necessary.**

The Government must bear in mind the popular quote – **There is no Free Lunch Economics.** We have seen what a burden on the exchequer has been providing Free / Subsidized – Foodgrains, Urea, Kerosene, Healthcare, etc which is also making that strata of Indians crave for more freebies, definitely unhealthy for the nation in the long run.

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**Question-4: Is there any other issue that should be considered in the present consultation on differential pricing for data services?**

**Response:** TRAI at length has discussed on various technologies used for mobile data communication in paragraphs 7 and 10 of the consultation paper. However, from our experience we know that operators introduced intermediate technical term such as "Fixed Wireless" where the medium of communication is wireless but does not support mobility of the device / consumer for various vested interests, maybe to dodge the government on Spectrum Usage Charges etc. So keeping in mind of **all such potential malpractices by Telecom Operators**, TRAI must strictly define the scope of this Paper to cover any form of "Wireless Data Communication" when it releases the recommendations or whatever it deems fit to **avoid and plug loopholes in the recommendations at all levels**. At all levels means make the recommendation applicable to all devices - Tablets / PCs / Laptops / TVs / any human usable device not just restricting to Mobile SmartPhones and which are served by "Wireless Network" in general.

Tomorrow, a greenfield telecom service provider will put an intelligent line of defense that Content / Apps are owned (copyright, licenses, etc) and hosted on his own network. This TSP will come and defend stating that his customer is accessing the content / app directly on his WAN (or extended local network or will coin a new network terminology) even before the data packets hit NIXI or other routing infrastructure of the Internet in broader terms and thus the recommendations of the TRAI in this consultation paper are not applicable to this operator. **Do not allow TSPs to bundle selective Content / App with Network Access. Please plug such loopholes as well in your recommendations.** Bottom-line – Grant Equal Access Rights to every content outside local device storage and allow the consumer to makes his own choice for access.

If the scope of the Consultation Paper can be revised at this stage, TRAI must make an effort to include the recommendations applicable to "Wired Data Communication" as well. We should not forget the fact that Internet has progressed to such a center stage only because of it being open without any restriction and free from lobbies and oligarchy.

"When the Government Works with its Citizens, the Nation Progresses".

Thanking You,

Sincerely

A R Manjunath

**Acknowledgments:** Inputs from my colleague Chetan Kumar in completing this paper.

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