

Hi Team,

Please check below answers:

1.

Q: What should be regarded as the core principles of net neutrality in the Indian context? What are the key issues that are required to be considered so that the principles of net neutrality are ensured?

A: Though in the West, the net neutrality debate leans towards privacy issues, in India the debate is towards the issue of equality and basic rights to access resources.

When Gandhi performed the Salt Tax Satyagraha, he made sense only because the tax on Salt had become so high that the common man could no longer afford Salt. Had Salt been taxed negligibly, Gandhi's call would have made no sense to Indians and it would have been a failure. We can make use of the idea of 'fair price shops' and make it compulsory that every mobile telecom provider in India will have to provide a plan where users can purchase at least 1 GB of Internet data at ₹10 with a validity of one month, a minimum speed of 2 Mbps down/1 Mbps up and maximum latency of 50 ms till TSP end. The quota can be provided by allocating against an user's Aadhar number instead of mobile number to avoid people gaming the system by using several SIMs. 1 GB is the bare minimum that any student will need to use text communication apps like WhatsApp, download textbooks in PDF format from the NCERT website and watch a maximum of 20 short videos in the whole month. Since it is compulsory for every provider to implement the scheme, it is not advantageous to any provider and is just a cost of doing business.

2.

Q: What are the reasonable traffic management practices that may need to be followed by TSPs while providing Internet access services and in what manner could these be misused? Are there any other

current or potential practices in India that may give rise to concerns about net neutrality?

A: TSPs should be allowed to use application agnostic throttling techniques for any usage plans above the 1 GB data limit and below 5 GB after the data limit is crossed. For plans above the 5 GB limit, TSPs should be free to check the packets and throttle specific applications for business needs after the data limit is crossed. In no case should an TSP be allowed to inspect packets or throttle the data if the user has paid for the unthrottled data limit.

Eg., the ISP should be able to provide application agnostic throttled data after user crosses a 'data plan with 2 GB limit' till the user reaches 5 GB. Above 5 GB, the ISP should be free to inspect packets and throttle particular applications (eg. YouTube) and get payment from Google/Microsoft/Facebook if they want users to be able to use unthrottled

YouTube/Skype/WhatsApp after the data limit is crossed since such users are heavy users.

However, the user should be given an option to purchase further data so that they never have to reveal their packets or be throttled by ISPs.

3.

Q: What should be India's policy and/or regulatory approach in dealing with issues relating to net neutrality? Please comment with justifications.

A: India should not be in the Cautious Observation mode but instead choose a balance between Tentative Refinement and Active Reform. It is in the same spirit that India can not allow complete free market when it comes to societal development and instead has to choose a balance between propaganda/education, positive discrimination (reservation?) to achieve equality.

4.

Q: What precautions must be taken with respect to the activities of TSPs and content providers to ensure that national security interests are preserved? Please comment with justification.

A: Make a list of applications/content similar to the 'Essential Commodities' list (give it some beautiful name instead of calling it 'Scary Data' list) and make it mandatory that these applications will have to save data within India and provide access when needed by law enforcement.

5.

Q: What precautions must be taken with respect to the activities of TSPs and content providers to maintain customer privacy? Please comment with justification.

A: TSPs should have no business checking packets and collecting data unless prescribed by law under a warrant or if the user is using subsidised free data after the data limit has been crossed as mentioned in point 3. There is no way to prevent content providers from collecting data since most users have to consent by default to use those applications. Instead, it makes more sense to hold them liable for misuse of collected private data by both themselves and the third parties they might have shared the data with. Applications/Organizations which err repeatedly by misusing data can be black listed. Affected parties should have the right to send a 'cease and desist' order to organizations that use data related to the affected parties that was already present in the public domain but is being misused now.

Eg., A housing society should have the right to tell Google that their building be shown as empty land on Google Maps. Note that there is no way to make Google 'unknow' that there is a building in that particular location other than to tell them to stop telling everyone that there is one. Similar analogy can be used against applications which are used for sexting etc.

6.

Q: What further issues should be considered for a comprehensive policy framework for defining the relationship between TSPs and OTT content providers?

A: OTT providers survive on data provided by telecom providers. If the Telecom providers stop providing Internet data, OTT providers will have to shut down. Telecom providers can ask for payment if calls are ending on their voice network (mobile number verification calls/SMS when WhatsApp is installed). However, it makes no sense to treat an OTT application like WhatsApp or Skype separately just because they are used for telephony. It goes against the idea of being application agnostic. Instead TSPs should be encouraged to move towards data instead of relying on ancient technology.

Regards,  
Solomon

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