



Counter Comments on Pre Consultation paper on Net Neutrality

IAMAI is pleased to submit the following counter comments on the Pre Consultation paper on Net Neutrality.

Net Neutrality implies neutrality of network

Internet '*content*' providers are distinct from internet '*access*' providers. The diversification of the numerous issues related to net neutrality into separate buckets as has been successfully done by TRAI is a reflection of the maturity of the discussion process in India.

The paradigm of the present discussion is set by the TRAI consultation paper which leads the discussion on Traffic Management Policies, definition of throttling, blocking etc; all of which addresses '*access*' to internet services. Access to internet access is provided by ISPs at the network level. Any discussion on net neutrality pertains to the role of ISP/TSPs; therefore involving the entire internet ecosystem is completely unwarranted in this regard.

'Same Service Same Rules' in the context of Net Neutrality is not relevant

It is now well recognised that online content/service providers are completely different from network providers like TSPs and ISPs. Network providers control the underlying access infrastructure, and are the gatekeepers to internet access. On the other hand, online content/service providers do not control the internet access points and are dependent on network providers for reaching out to their customers. In fact, network providers have the exclusive rights to acquire spectrum, obtain numbering resources, interconnect with the PSTN, and set up network infrastructure. Further, most TSPs already provide online services in addition to network access. Thus while TSPs can operate in both the network and application layers, Internet companies are restricted to *only* the application layer.

Discussing online content/service providers in the garb of '*OTTs*' in the discussion on '*Net Neutrality*' will not lead to any meaningful discourse. Any attempt to regulate Internet companies will result in fragmented regulatory approach towards internet as the sector is regulated by the IT Act in the country.

Differential Pricing

The issue of Differential pricing has already been settled with a review clause after 2 years. Therefore discussions on differential pricing, zero rating services etc is not germane to the present discussion. Revisiting these topics will only stall the consultation process and undo the progress made over the last few years.

We request the present course of focussed discussion be continued to help evolve a definitive regulatory framework for a net neutral telecom policy in India that will facilitate the vision of Digital India.