



**JUGNUCRAFT ENTERTAINMENT OPC PRIVATE LIMITED**  
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**To,**

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

**SUB: Counter- Comments on the Consultation Paper of Differential Pricing for Data Services via Consultation Paper No. 8/2015 Dated 9<sup>th</sup> Dec, 2015.**

**Madam,**

With due respect, we are offering our **Counter-Comments on the Consultation Paper on Differential Pricing for Data Services**, invited by TRAI through the Consultation Paper No. 8/2015 Dated 9<sup>th</sup> Dec, 2015.

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

**Answer 1:**

- (i) No. The reason, to some extent, explained in the note, circulated by TRAI itself. This is because, the TRAI Note itself enumerates much more harms than benefits in its implementation.
- (ii) Everyone in this country is aware of the end results of the differential pricing on petroleum products, food and fertilizer items. The subsidies, which were provided by the Government never reached the targeted people.



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(iii) The people, who are said to be the beneficiary cannot even read and write. The majority of the literate persons, according to the definition in India, are not aware of how to use the resources efficiently and effectively and in their own interests.

(iv) The proposed policy is grossly discriminatory, anti-competitive, predatory, and misleading and proposed to be implemented with a view to benefit the select service providers and companies.

(v) This policy is also against the fundamental rights of Freedom of Speech and Expression and Right to Equality, which is against the spirit of the Constitution.

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

**Answer 2:** Does not arise in view of the response to Question 1.

**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?**

**Answer 3:**

(i) There may be many alternative methods/technologies/business models, other than differentiated tariff plan. The one that we may suggest is that, as provision of free internet services to those, who can't afford, is a social service and if it is at all to be provided, it should be provided either through Government efforts or through Public Sector Undertakings, owned and operated by the Government.



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- (ii) This is essential, because the primary motives of the business houses are to maximise their profits rather than improving social goods.
- (iii) The interests of the business houses and the consumers are always contradictory, i.e. one is will always be benefitting and flourishing at the cost of the other.
- (iv) There is no urgency for the provision of free internet services and data access to the poor and the downtrodden, when we are still unable to provide basic necessities, like elementary education, food, clothes and shelters to such a large number of our population.
- (v) As pointed out in the answer to first, provision of free internet is of no use without basic education levels.
- (vi) We are required to empower our citizens physically by feeding them appropriately and educating them sensibly with a view to help them become responsible citizens of the country in the first instance.

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

**Answer 4:**

- (i) The Constitution of India provides the Fundamental Rights of Equality and Freedom of Speech and Expression to all its citizens and persons, irrespective of their status, castes, creeds, regions and religions.
- (ii) The Facebook has been misrepresenting before the TRAI and the people of the country to achieve its ulterior motives of killing innovative and entrepreneurial efforts by the youths of the country by launching misleading campaigns in the electronic and print media.
- (iii) Before implementing any policy in this regard, it is incumbent on the TRAI to ensure that their policies do not infringe on basic ideals/principles, enshrined in the Constitution of India.



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In view of the above, you are requested to scrap/disband the proposed policy in **the Consultation Paper on Differential Pricing for Data Services via Consultation Paper No. 8/2015 Dated 9<sup>th</sup> Dec, 2015.**

Thanking you.

Yours faithfully

(AKASH KAMAL)

Chief Executive Officer

The Talented Indian

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N.B: We will feel privileged to any further clarification/consultation, if needed.

(This document is digitally signed and hence does not require manual signature.)