

To,

Mr Ram Sewak Sharma,
Chairman,
Telecom Regulatory Authority of India,
New Delhi

Subject: **Reiterating my stand to keep the Internet a Neutral space**

Dear Mr Sharma,

I wish to reiterate my stand in favour of Net Neutrality. I had written a letter on 7 April 2015 to the previous chairman of Telecom Regulatory Authority of India (TRAI), Mr Rahul Khullar, and expressed how if differential pricing for data services is allowed, it would affect my functioning as a law maker. My Chief Minister Mr Naveen Patnaik also expressed support for a neutral internet on behalf of the Biju Janata Dal in a letter dated 16 April 2015. He pointed out succinctly how “the Internet is not the market-place, but the market is made inside the Internet.”

Millions of people, old and young, female and male, have also expressed their support towards a neutral web when the last consultation paper was put out. I request you to kindly go through all the previous submissions once again and not to discard those valuable insights from the public. Since the earlier paper was regarding over-the-top services, I understand the need to put out this new consultation paper as TRAI is trying to get a clearer view regarding differential pricing. However, the answers to all these questions past and present, concern the same internet and therefore unequivocally remain the same. My previous letter along with the earlier submissions still stand and need to be considered for this consultation paper as well. Simply put, we want the internet to be a free democratic space, devoid of any form of influence from corporate entities.

Tim Berners-Lee, known as the inventor of the internet, said the following when questioned about his stand on zero rating and internet.org: “In the particular case of somebody who's offering ... something which is branded internet, but it's not internet, then you just say no. No it isn't free, no it isn't in the public domain, there are other ways of reducing the price of internet connectivity and giving something ... only giving people data connectivity to part of the network deliberately, I think is a step backwards.”

You must not discount these words by the father of the internet. He is the one person who understands his own creation and therefore made it available to the world without any barricades. Presently, companies like Facebook and Reliance are going against these very basic ideals. They are trying to mislead the public and split the internet under the garb of 'giving free access to the poor'. I would like to quote CM Mr.Patnaik here once again: "While the under-privileged deserve much more than what is available, nobody should decide what exactly are their requirements. But if you dictate what the poor should get, you take away their rights to choose what they think is best for them. You cannot force a person to use a certain mobile application because the telecom company believes that it should be doing so." He further points out, "In the ongoing debate, it is noticed that there is wrong usage of the word 'free'. The word 'free' should not be confused with the word 'freedom'."

I'm sure you must be aware about how one particular company, a foreign entity called Facebook, is trying to influence our public discourse. They are spending crores in advertisement money to mislead the public. Facebook has 1.2 billion worldwide active users on their website and they are pushing their idea of the internet aggressively. This is a blatant attempt to influence public policy in India and present us as a third-world-country that needs some sort of charity from a multi-billion dollar foreign company.

This company wants to start 'Free Basics' in India (earlier known as Internet.org) which would give selective access to certain websites and applications. We, as policy makers, should be careful not to allow this Pandora's Box to be opened. Once we allow this, other companies that have influence will start slicing up the internet into pieces and offering them to selective consumers.

On that note, I must acknowledge the fact that TRAI has issued a notice to Reliance Communication ordering them to stop the Free Basics service. Proactive steps like these from you need to become an example for India. I hope you continue to take such strict actions and not veer away from the convictions of millions of Indians asking for a neutral Internet. Ultimately, only you can *Save the Internet*.

Please accept my and my Hon'ble CM Mr.Naveen Patnaik's previous letters as submissions for this new paper titled 'Consultation Paper on Differential Pricing for Data Services'. I am also attaching a formal reply answering all of the questions you asked for this consultation paper. They have been drafted by young professionals who are fighting valiantly to keep the internet neutral.

Do not let greed triumph over genuine conviction for what is right. Do not ignore these voices, for they are India's future.

Regards,

Tathagata Satpathy
Member of Parliament,
Lok Sabha,
Dhenkanal, Orissa

To,

RS Sharma,

Chairman, TRAI

CC: Vinod Kotwal, Advisor (F&EA), TRAI

Dear Sir,

On the outset, I would request you **not to publish my email address on the TRAI website.**

I would like to thank the TRAI for introducing the Consultation Paper on Differential Pricing for Data Services. Differential pricing of data is a core Net Neutrality issue. I urge you to protect Net Neutrality, and not allow telecom operators to manipulate how consumers consume content on the Internet by instituting anti-neutrality practices. The principle of Net Neutrality is that ISPs and telecom operators do not give a competitive advantage to any website, app or platform.

I appreciate TRAI's effort in bringing out an objective and precise consultation paper, highlighting the need for making the Internet available to all - as well as taking into consideration the harms of discriminatory practices. On this I am enclosing specific responses to the queries as sought by the TRAI.

As recently as in April 2015 by using the SaveTheInternet.in platform, more than 12 lakh Indians sent specific responses to the queries raised by the TRAI. A reference to these earlier submissions is necessary given that specific answers to question numbers 14 and 15 in the Consultation Paper on Regulatory Framework for OTT Services were on price discrimination - and provide a valuable gauge of public opinion and expert advice. In order to gain from the previous consultation on OTT Services, I request the TRAI to consider answers from it for the present Consultation Paper on Differential Pricing for Data Services.

I support TRAI in the effort it has taken in this consultation paper, underlined by its determination to take initial steps on advancing net neutrality using its powers to regulate and oversee tariffs so as to protect consumers. Till a comprehensive network neutrality regulation is passed, such measures should be exercised urgently to prevent the repeated efforts to breach these principles by some players in the absence of binding rules. These attempts to some interest to rush ahead despite the ongoing study of these issues by the TRAI and the Government goes against the authority of our democracy.

I endorse the idea of providing "all of the Internet, to all of the people, all of the time", put forth by the World Wide Web Foundation established by Sir Tim Berners Lee and many other organisations which have been striving to expand connectivity to all without compromising network neutrality. It is my belief that the goals of access and network neutrality are incredibly important for India and the TRAI must further them both rather than falling prey to the falsehood - as sought to be portrayed by some commercial interests - that one is opposed to the other. Furthering meaningful Internet access for all Indians and net neutrality are too important to be put into an untrue binary exchange of this sort.

I would also like to suggest the need for greater clarity on TRAI's next steps on the larger net neutrality discussions that it originally advanced in its earlier Consultation on OTT Services but not advanced on since May of this year. A firm timetable and clearer consultation process will improve predictability and trust in TRAI as an institution seeking to further the public interest.

I hope the TRAI considers my answers to the present consultation in forming its opinion. In the interim I request that it:

- a. Exercises its power to enforce a moratorium on violations of network neutrality till the conclusion of the consultation process;
- b. Make clear that in this current consultation on data pricing discrimination it will consider the submissions made by over a million Indians to Question Nos. 14 and 15 in the earlier Consultation on OTT Services (April, 2015); and
- c. Announces an actionable time table for the conclusion of both consultation processes.

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

TSP's should not be permitted to engage in differential pricing for data usage for accessing different websites, applications or platforms, for the following reasons:

a) A non-discriminatory Internet decentralizes the sources of innovation because everyone can create Internet services and applications without having to obtain permission from telecom companies or platforms. It allows collaborators to create open source and free tools to provide an alternative to proprietary tools, and improve on them. Differential pricing will damage the character of the internet. The internet has developed till date on the basis of the end to end principle, where there has been user choice to determine what content and platforms are accessed. This has allowed the internet to organically develop into an ecosystem where information is shared across platforms. The power to control information is the biggest weapon in a democracy. Plurality and diversity of both views and platforms are important, and for this, the Internet needs to be kept open and neutral.

Price discrimination will incentivise the use of certain service providers or types of services. This will be against the agonistic function of TSP's and impact the future growth of the internet, where only specialised services which are priced not as per a neutral meter of volume of data consumed. It will likely lead to walled garden and bouquet of services and reduce the diversity of Internet services to, "pay packs" where particular services are bundled together with no user choice or ability to freely access information.

b) It will lead to discriminatory practices that will impact consumer welfare. Consumer welfare at present best served by the transparent billing practices where consumers are billed similarly for access to any website or web service on the sole measure of data usage that is neutrally applied across platforms. Such choice should be left to consumers and not the TSPs. Once the the TSPs are left to decide even if through regulatory oversight the kind of services which can be subsidised and ones on which additional levies are placed it will lead to discrimination that will function against content which is sought by individual users as per their tastes. It will create strong incentives to only use services which are subsidised on the choice of TSPs and prevent consumer discovery of new services and platforms. It will impact the diversity of content and will be against the individual choices of many users, especially those in the minority. Further, given the dynamic nature of content on modern Web services - where audio, video and text is often found within the same service - billing practices will at best be opaque for consumers, leading to unforeseen charges.

c) It will negatively startups/entrepreneurs and the fulfillment of Digital India. Startups are fragile businesses, ever evolving and innovating, at great speed, if not at great scale. For Internet startups to operate efficiently, there needs to be predictability, stability and reliability of Internet access. Many Indian startups have already voiced their opposition to the differential pricing of data services, emphasizing that such practices upset the level playing field. Deepinder Goyal, Founder and CEO of Zomato has taken his Delhi based business to 23 countries, tweeting that he "Couldn't have built Zomato if we had a competitor on something like Airtel Zero".

The letter of more than 450 startups to the Hon'ble Prime Minister lists several reasons why such startups believe that differential pricing, including zero rated services will destroy the startup ecosystem. I echo their concerns from the letter which I quote below:

"We stand to lose if telecom operators are allowed to strike deals to favour some online services over their competitors. Under these deals, companies may pay the ISP to make their competitors' websites inaccessible, slower or more expensive to access than their own. These practices, if allowed, will exclude promising startups from the Internet and end our dream of seeing them flourish. The western companies that dominate the Indian internet ecosystem today will use their deep pockets to perpetuate their position. The few startups that can afford it will be forced to find growth in foreign markets before they can return to India with the funds to pay ISPs, while the rest shut shop."

Allowing differential pricing will transform the Internet economy into a mirror of the Mobile Value Added Services ecosystem, which allows telecom operators to convert an access business into an audience business.

Currently, telecom operators provide Internet access to the interconnected network that is the Internet, and consumers choose where they wish to go. Any form of unnatural advantage that is an outcome of a partnership between a telecom operator and an Internet company converts this into an audience business, with telecom operators allowing businesses access to their "audience". This means lack of permission-less innovation, and can lead to three harmful activities:

1. Predatory activities from telecom operators, as was evident in case of Mobile VAS, which restrict the ability of consumers to access these startups. On Facebook's FreeBasics, services that compete with telecom operator services are not allowed, and Facebook reserves the right to reject applicants to FreeBasics. Even today, VoIP, Video, file transfers and large images are not allowed on FreeBasics/Internet.org. The terms and conditions are determined by Facebook, and it reserves the right to change them as and when it desires. This is despite the fact that in the US, Facebook signed a brief saying that "The open architecture of the Internet creates an innovation-without-permission ecosystem. Consumers (and consumers alone) decide the winners and losers on the open Internet", that without Net Neutrality, "Consumers would lose the ability to choose freely among competitive services and sources of information. It would also significantly decrease the rewards edge providers could realize from innovating, further decreasing consumer choice."

2. Collusion between larger Internet companies and telecom operators, in order to reduce competition for the Internet companies, such as in case of FreeBasics. In countries such as Indonesia, research has shown that where free Facebook is made available, consumers end up confusing Facebook as the Internet itself. This impacts access to diversity and plurality of content, especially on a platform which controls what content users get to view in their newsfeed.

3. Zero Rating of vertically integrated services, which are owned by telecom operators. Bharti Airtel, when it launched its online music streaming service Wynk, it waived data charges for Airtel users, using its ownership of content and carriage. This effectively puts competitors like Saavn and Gaana at a competitive disadvantage. Imagine what this might do to competition in case of financial inclusion, if transactions using Airtel Money were made cheaper than those using some other payments bank.

d) There is no commercial need for permitting differential pricing given the large growth in revenues and profits of TSPs. TSPs are today seeing an unprecedented rise in growth in data revenue and profits disclosed in their annual reports and earnings calls. On the basis of this they are investing more in data networks even marketing themselves as high speed cellular data networks to the public. This is clearly a contradiction in the stands of TSPs which are at one end showing profitability and at the same time seeking to engage in practices which turn them from charging carriage fees from content providers. These are unhealthy practices without any commercial justification except to use their monopoly powers to engage in rent seeking behaviour. Private companies which are utilising public spectrum cannot do so to seek windfall profits which comes at the cost of public welfare.

e) Differential pricing practices such as Zero rating, whether paid or unpaid, creates a fundamental and permanent shift in the way the Internet works, by splitting it into free and paid. Services such as Airtel Zero will slice the Internet, and will lead to the launch of similar services from all telecom operators. There might be an Idea Zero, Vodafone Zero, Uninor Zero, Tata Docomo Zero. This means that each user will get a different experience of websites, and may never know the universe of knowledge outside of this collection of websites. That restricts consumer choice. Zero rating is "positive discrimination". Airtel Zero favors those services who pay them to be zero rated. Internet.org favors those services which are low bandwidth, and allow Facebook to access user data even if Facebook is not being used on Internet.org.

f) Usage of the open web declines: When consumers try and move out of a zero rated platform to the open web, they will rightly be informed that they are going to be charged for this. This information is essential in order to prevent charges when the user may not want to be charged. However, adding a layer of confirmation usually leads to reduction in conversion rate, since accessing a link is often on an impulse, whereas choosing to pay to access a link is an additional decision. In case of FreeBasics/Internet.org, users would get an advisory asking them to buy a data pack. At this point, many users choose to not access the open web, and continue to use only Facebook and its partners, thereby giving them a competitive advantage.

Additionally, I would like to draw your attention to the 12 lakh submissions to the TRAI on its Consultation Paper on OTT Services to Question Nos. 14 and 15 which similarly called for prohibiting TSPs from having differential pricing for data usage for accessing different websites, applications or platforms.

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?

Differential pricing for data usage should not be permitted in principle, given that they will allow TSPs to act as gatekeepers on how Indians experience the Internet. Principles of non-discrimination, transparency,

affordable internet access, competition and market cannot be furthered if differential pricing is permitted in any form.

a) Differential pricing on a case to case basis will result in unclear non-discrimination standards, increasing the likelihood of litigation. Again, players which are smaller will not have any ability to negotiate and will be excluded. Differential pricing by its very nature and phrase is a discriminatory practice. Given the clear harms which come through and the considerable costs and delay in evaluating case-by-case behavior, discriminatory pricing for data should be prohibited through firm, clear, bright-line rules.

b) Transparency in a system in which differential pricing is permitted will not serve the public purpose. Even if rate plans are published publicly or prior regulatory approval is demanded the harm is already caused as such plans will be devised by TSPs and not by individual users. Given that large TSPs often face limited competition in practice in specific geographical areas in India with respect to data services, transparency will not aid consumer choice. Quite simply just because a plan is published on the TRAI website will not ensure users can choose - especially if they actually do not actually have to ability to easily switch to other operators when it comes to data services and broadband. Beyond not assisting consumer choice in any meaningful manner, transparency will not aid in mitigating the harms caused to smaller content providers and startups that will be excluded from such plans. Please note that Reliance Communications and Facebook are yet to publish a complete list of services that form a part of FreeBasics (Internet.org).

c) Zero rated services such as Internet.org/FreeBasics and Airtel Zero are a form of positive discrimination, making some sites free versus others, and ending up making some sites more expensive. Affordable internet access can be furthered in several ways which are consistent with net neutrality. Some TSPs and Facebook through its Internet.Org/FreeBasics zero rated offering has posed this in terms of a faustian bargain which completely ignores what some term "equal rated" services and other efforts that seek to expand Internet connectivity to all without compromising network neutrality. These alternatives are described in the answers to Question No. 3.

The submissions are in addition to the 12 lakh submissions to the TRAI on its Consultation Paper on OTT Services to Question Nos. 14 and 15 which similarly called for prohibiting TSPs from having differential pricing for data usage for accessing different websites, applications or platforms.

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?

Yes, several alternatives exist other than differentiated tariff plans or zero rated services that are practical to implement and will provide access to the Internet to millions of Indians who cannot afford it due the costs of data.

a) At the very outset it must be remembered that improving access is public priority - and not one only to be left to some global private corporations. Private corporations cannot guarantee the neutrality and impartiality in exercising such a core government function and will only cite interests of access for furthering their own commercial profits. This will come at the cost of accountability which is at the core of any government process. Many experts have highlighted that access can be improved by the government through, "equal rated" plans that are deployed by the Government. This may be through deployment of the USO fund and creation of a national fiber optic network.

b) The World Wide Web foundation has suggested several alternatives for furthering access without compromising network neutrality which include a free allowance of mobile data for each citizen funded through an universal service fund. Further, TSPs can also offer 2G data services which are capped at 10/20 MB a month which would not violate any forms of network neutrality. Such measures would improve access and give millions of Indians access to the Internet, not some stripped down, wall garden in which content options are determined for them.

c) Further models exist and have been highlighted by entities such as the Mozilla Corporation and others. These are in the forms of, "equal rated" plans and are even being deployed in some countries. Some examples of it include:

“Could the private sector organize itself to provide a baseline “equal rating” for some amount of data necessary for modern life at discounted or no charge? Such a program would integrate the “version 1” private solution of limited access with the citizen demands for the opportunity and full inclusion of the full Open Internet. Perhaps those companies paying for the equal rating might get a “brought to you by” attribution that could bring brand value and network effects. Orange and Mozilla are experimenting with this sort of model in multiple African and Middle Eastern markets, where users purchasing a \$40 (USD) Klif phone receive unlimited talk, text, and 500 MB a month for 6 months.

Another possible way of “equal-rating” content so it is free-of-charge to the user is a model where people watch ads in order to access other sites. Mozilla has been exploring this model in a partnership with Grameenphone (owned by Telenor) in Bangladesh, where users can receive 20MB of unrestricted data per day after watching a short ad in the phone’s marketplace.”

Some TSPs and Facebook have incorrectly framed a debate around access at the cost of network neutrality to further their commercial interests. As it is evident from the above models access does not come at the price of network neutrality.

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

I hope the TRAI considers my answers to the present consultation in forming its opinion. These are my informed views, which have been articulated by policy experts furthering my belief in network neutrality. As stated before some TSPs and Facebook have rolled out services and extended them during the midst of the present consultations, backed by large marketing and advertising budgets. Facebook has even used its own platform to push Facebook users to market their lobbying response to the present consultation with ambiguous phrasing. Some users who are using this form have been misled into believing they are supporting net neutrality. This is different from a person independently going on a website, filling in their name and email address and sending a response. The key difference here is user choice. This is the same user choice which is absent in Free Basics or any other zero rated service.

TRAI must be advance on creating comprehensive net neutrality provisions in India, working with the Government in moving forward on the path here. In the interim, the aggressive push by several TSPs and Facebook in launching and expanding zero rated services is undermining the present consultation. I request that the TRAI look into this urgently and in the interim proposes the following measures.

1. Exercises its jurisdiction to issue a moratorium on violations of network neutrality till the conclusion of the consultation process;
2. Considers the submissions made to Question Nos. 14 and 15 in the Consultation on OTT Services (April, 2015) for the Consultation on Pricing Discrimination; and
3. Announces an actionable time table for the conclusion of both consultation processes.

NAVEEN PATNAIK

CHIEF MINISTER, ODISHA



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D. O. No. **21M-134/2015-62/CM**

BHUBANESWAR

Dated **18.04.2015**

Dear Sir: KL-11-11 j.

Sub: An appeal to safeguard the basic principles of Net Neutrality.

I write this letter to you in connection with the consultation paper that has been recently opened by TRAI on the subject of Internet services and network neutrality. This subject has become one of great concern to all citizens of India.

The IT sector is today at the top of the State Government's agenda and Odisha has been in the forefront of the IT revolution in the country. It is a matter of pride that the growth rate of IT exports from the State is more than the national growth rate for the past many years. Bhubaneswar is the hub of IT growth with Special Economic Zones coming up at Info City and Info Valley while a green field electronics manufacturing cluster is also being set up. The State Government is also implementing a number of e-governance projects including 'Digital India'. The internet forms the crux of our upcoming projects in this sector and therefore, I am concerned about the basic principles of this medium.

I have been following the Net Neutrality debate since the past week closely. Many citizens have even written letters to you reiterating their stand about the matter. It is important to stress on the stand of State Govt. and our party Biju Janata Dal regarding the issue and TRAI should also treat this issue with the nuanced attention that it deserves. The growth of the internet is going to affect each and every one of us especially the young and dynamic population of this country.

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It must be pointed out that this is not an issue of just the elite as it is being made out to be. It will affect even the poor because so many services are delivered over the internet today. The Government is trying to extend its services to the people through this medium because it will be effective and inexpensive. Therefore, I do not agree with the thought that this is a compartment meant for the elite only. Present usage of the net seems to encompass everyone, rich or poor, particularly the younger people.

In the ongoing debate, it is noticed that there is wrong usage of the word 'free'. The word 'free' should not be confused with the word 'freedom'. While presently the youth of this country is paying a very high cost for an inefficient net connection, I do not see any justification in limiting the ability of new start-up companies to reach the net user. Nor do I feel that there should be compulsions on the users by Internet Service Providers (ISPs) to use particular Apps for reasons best known to them. Let us remember that the Internet is not the market-place but the market is made inside the internet.

While the under-privileged deserve much more than what is available, nobody should decide what exactly are their requirements. But if you dictate what the poor should get, you take away their rights to choose what they think is best for them. You cannot force a person to use a certain mobile application because the telecom company believes that it should be doing so.

We, therefore, would be wary of any future where equal and non-discriminatory access to the growth engine of the Internet would be altered – and which is why I strongly believe that the principle of net neutrality must be protected. Digital India requires that we help ensure that the innovation and entrepreneurship made possible by a dynamic Internet is further encouraged and not allowed to be influenced by discriminatory practices.

We must ensure that access to the Internet for an Indian citizen anywhere in our nation means un-throttled equal access to the full spectrum of the open World Wide Web in practice. This is especially important since the Internet is key to the unparalleled ability to exercise the right to access knowledge and free expression which are

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empowering our younger generations to drive India to the forefront of the 21st Century.

In order to achieve this, TRAI, in collaboration with the Department of Telecommunication, needs to urgently come out with measures to protect network neutrality. In addition, TRAI needs to ensure that it does not favour regressive measures such as licensing online services. My Government and party representatives have repeatedly stood in favour of the position that India requires progressive IT laws. Measures to be taken should recognize that legitimate and limited regulation should not turn into over-regulation. Other measures which cater to the aspirations of young Indians to create a modern and internet enabled society must be assisted. This will only be possible by an open internet that can reach out to the poorest of the poor and help change their lives.

With regards,

Yours sincerely,



(NAVEEN PATNAIK)

SHRI RAHUL KHULLAR,
Chairman,
Telecom Regulatory Authority of India,
New Delhi.

MEMBER OF PARLIAMENT
(LOK SABHA)



#2, Firoze Shah Road, Delhi

To,

Mr. Rahul Khullar,
Chairman,
Telecom Regulatory Authority of India,
New Delhi

Date: 07/04/2015

Subject: Dissent letter regarding TRAI's move to allow violation of Net Neutrality

Dear Sir,

I write to you as an everyday internet user. I use messaging apps to keep in contact with my staff, I use cloud services to prepare documents, I use internet video calling to get in touch with experts who are far removed from my location and, most importantly, I use email & internet based messaging apps to take public opinion from my constituents. Internet forms an integral part of how I do my work, therefore I see this move by TRAI as a threat to my functioning as a representative.

Along with this letter, I am attaching a document which contains all the answers to the questions you have put up for consultation. I must tell you that I have not prepared these responses. They have been prepared by an online community called Reddit India, where thousands of young men and women who feel deeply about the issue burnt the midnight oil to give TRAI a fitting reply. They worked on this document over and over. I watched, in real-time, people editing and amending this document to raise it to a point of perfection.

You have asked suggestions about charging separately for 'Over-The-Top' services. I see this as a detrimental move that is putting conditions on the access of internet. We are standing at a juncture where other developed countries are speaking about having internet access as a basic human right. Even the United Nations said back in 2011 that restricting access to the internet counts as human rights violation. Our Prime Minister speaks about a 'Digital India' and smart cities, an India that is looking towards the future and encouraging young people to be creative on the online space. The government even elicits public opinion on complex laws & acts over the internet. If this decision by TRAI goes through, it will not only go directly against the Prime Minister's dream but also against the desires of those which wish to make India a modern nation.

I can compare the internet with electricity. If you start charging people separately for electricity that is used for heating, cooling, entertainment etc, there will be a massive outrage about that.

The internet is essentially the same. It is a free medium and telecom companies operate pipelines that provide access. People are paying to access the internet and the data transfer, not because they want to use specific services which the phone companies provide.

When Tim Burners-Lee invented the World Wide Web, he could have easily turned it into his personal fiefdom and would have been a billionaire. But he had the foresight to see that this network will change the face of how humans will communicate with each other. He gave it to the people as a collective, so that no single person can dictate how the network operates. This is an essential element of why the internet is what it is today. This freedom allowed developers and engineers to get creative. Today, we carry the world's wealth of human knowledge in our pockets. TRAI cannot control the internet by charging separately for services that are created by the very people who believe in the idea of free access to information and knowledge.

India is currently a country with the second largest base of internet users in the world, right after China. In your consultation paper, you have pointed out that 83% of these users access the internet through phones. The growth of mobile internet users in the last one year alone has been staggering. In this scenario, any person who looks at these figures would say that we have a vibrant and growing online business market.

Startup online shopping companies which were formed merely 2-3 years ago are today valued in billions. Telecom companies are seeing an opportunity to make more money by regulating the internet, by signing deals with these startups and giving their OTT apps free access. This move will essentially kill any new startups that don't have enough resources to get permission from TRAI or tie-up with big telecom companies. While the present government is busy promoting 'Make in India' and encourage startups, TRAI is allowing big companies to form monopolies over the mobile web.

This is why Net Neutrality is important for each and every one of us. It's not an 'elitist' problem, as many are arguing. It is going to affect even the poorest who now have cheap phones with internet enabled on them. As phones get cheaper and phone networks spread further, the number of internet users in India is going to shoot up. We might soon have the largest internet user base in the world. We are a growing country and we should have proper laws in place, not to regulate, but to encourage the use of internet.

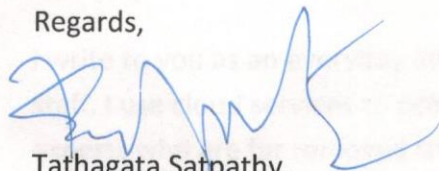
The Information Technology Act that we have currently is outdated. It deals with Digital Signatures and Database Management which are outdated concepts. India Post recently discontinued Money Orders (MO) because today everyone can transfer money using their smartphones and data connection. We have a digital currency market called Bitcoin, which is also on a rise. In these changing times, it is of utmost importance for us to keep our laws updated. As law makers, we need to understand the very nature of the internet before we even



try to regulate it. There needs to be a complete overhaul of the information technology and communication laws, after proper consultations with all the stakeholders and committees. The advent of social media, its impact and growth, possibilities of improving online markets, privacy laws and encryption, the whole gamut of issues need to be addressed.

Therefore, I oppose this move by TRAI which is infringing on Net Neutrality and I hope that you see sense in the arguments that internet users around the country are making. The internet is no more a 'network that connects computers'. It is now a social network that will help bridge social, economic and regional divides. *that India is badly suffering from.*

Regards,



Tathagata Satpathy,
Member of Parliament,
Dhenkanal, Orissa

Copy: Hon'ble Minister of Communications & IT, Mr. Ravi Shankar Prasad
Hon'ble Chairman, Standing Committee on IT, Mr. Anurag Singh Thakur
All Hon'ble Members of Parliament, Lok Sabha & Rajya Sabha