

Ms Vinod Kotwal
Advisor
TRAI, New Delhi

Dear Madam,

Seasons' Greetings and best wishes for the new year !

I am glad to share with you that 2016 also marks completion of 25 years of CMS (Centre for Media Studies). At CMS, we have been studying media (print, radio, television, and internet) trends, including ownership, content, regulation and consumption patterns. Our agenda is to make media more accountable and relevant to the needs and development challenges faced by our nation. Towards this, we use our research for various advocacy and capacity strengthening initiatives with various stakeholders (including media, industry, government, academia and civil society).

As a renowned think tank, we are glad to respond to your Consultation Paper on Differential Pricing for Data Services issues on December 9, 2015. On behalf of CMS, I like to submit the following responses to the questions raised in the same.

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

CMS Response:

No.

Differential pricing for data should not be allowed if it is based solely on the number/type/selection of websites and applications users can access. If allowed, this will be a dangerous trend as it opens up people to a new technology application but in a way decided by a commercial entity. It will not only be discriminatory and non-transparent but goes against the principle of unhindered access to knowledge and information. If we take the analogy of a water utility like Delhi Jal Board, it would amount to dictating users that some people can use water only for bathing and not for cooking. It will be like giving membership of a library to someone but telling the person that he or she can only read specific reference books and just a couple of newspapers. Ideally, if we want the library membership to add to the person's knowledge but have limited seats in the library, you can tell him or her that you will get access to the library for a certain number of hours in a week or a month, use it the way you want.

TRAI 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?

CMS Response:

It will be impossible to implement differential data pricing even if ground rules are set, unless the sole criteria is quantum of data used and not content. Just consider this. There is a list of website that users will be allowed to access if they opt for a free or cheap internet access pack from a TSP. The package will list websites or apps covered under it. What happens if the content of these websites is tailored, tweaked or is paid for by someone. As it is mobile versions of websites are different from normal ones. It will be impossible for TRAI to police such packages under differential pricing if it is allowed. It will be like DJB telling consumers that you can only make tea from the water it supplies. Will it also tell if one can add ginger, extra or no sugar, drink it without milk or serve it in a steel or bone china mug?

TRAJ 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?

CMS Response:

Free wifi access provided by the state, along with a ‘fair usage policy’, can help enhance access to the internet if reaching all citizens is the goal as is being suggested. Essential citizen services can be designed and included in a captive portal, access to which should be made free, either via TSPs or free public access. The captive portal should be localized region-wise or state-wise. The content of captive portal should be decided through a transparent process under the aegis of TRAI and should be kept apolitical. This can be implemented in public-private partnership mode. Such a model will introduce the internet and its benefits to a vast majority of mobile phone users and may make them to seek more. That’s when TSPs can offer commercial packages.

We request you to kindly consider these responses and will be glad to further participate in any debate or discussion on the same.

Wishing your team and you the very best in your endeavours

Sincerely

Vasanti

—

P N Vasanti
DG, CMS
www.cmsindia.org