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## Free Basics: Negating net parity



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large cities, with Internet connection and college degree, that the Internet "is a human right and that Free Basics can help bring Internet to all of India." What a strange way to frame the question given that the Internet is not a human right in most jurisdictions.

Free Basics is gratis service offered by Facebook in partnership with telcos in 37 countries. It is a mobile app that features less than a 100 of the 1 billion odd websites that are currently available on the WWW which in turn is only a sub-set of the Internet. Free Basics violates Net Neutrality because it introduces an unnecessary gatekeeper who gets to decide on "who is in" and "who is out". Services like Free Basics could permanently alienate the poor from the full choice of the Internet because it creates price discrimination hurdles that discourage those who want to leave the walled garden.

Inika Charles and Arhant Madhyala, two interns at Centre for Internet and Society (CIS), surveyed 1/100th of the Facebook sample, that is, 30 persons with the very same question at a café near our office in Bengaluru. Seventy per cent agreed with Facebook that the Internet was a human right but only 26 per cent thought Free Basics would achieve universal connectivity. My real point here is that numbers don't matter. At least not in the typical way they do. Facebook dismissed Amba Kak's independent, unfunded, qualitative research in Delhi, in their second public rebuttal, saying the sample size was only 20.

That was truly ironical. The whole point of her research was the importance of small numbers. Kak says, "For some, it was the idea of an 'emergency' which made all-access plans valuable." A respondent stated: "But maybe once or twice a month, I need some information which only Google can give me... like the other day my sister needed to know results to her entrance exams." If you

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usually a more robust network. When we do have our next national disaster, do we want to be one of the few countries on the planet who, thanks to our flawed regulation, have ended up with a splinternet?

Telecom Regulatory Authority of India (Trai) chairman R S Sharma rightly expressed some scepticism around numbers when he said "the consultation paper is not an opinion poll." He elaborated: "The issue here is some sites are being offered to one person free of cost while another is paying for it. Is this a good thing and can operators have such powers?" Had he instead asked "Is this the best option?" my answer would be "no". Given the way he has formulated the question, our answer is a lawyerly "it depends". The CIS believes that differential pricing should be prohibited. However, it can be allowed under certain exceptional standards when it is done in a manner that can be justified by the regulator against four axes of sometimes orthogonal policy objectives. They are increased access, enhanced competition, increased user choice and contribution to openness. For example, a permanent ban on Free Basics makes sense in the Netherlands but regulation may be sufficient for India.

### Gatekeeping powers

To the second and more important part to Trai chairman's second question on gatekeeping powers of operators, our answer is a simple "no". But then, do we have any evidence that gatekeeping powers have been abused to the detriment of consumer and public interest? No. What do we do when we cannot, like Russell's chicken, use induction to explain our future? Prof Simon Wren-Lewis says, "If Bertrand Russell's chicken had been an economist ... (it would have) ... asked a crucial additional question: Why is the farmer doing this? What is in it for him?" There were five serious problems with

through the name of the service, internet.org and five, lack of support for encrypted traffic. But now do we know these problems will stay fixed? Emerging markets guru Jan Chipchase tweeted asking "Do you trust Facebook? Today? Tomorrow? When its share price is under pressure and it wants to wring more \$\$\$ from the platform?"

Zero. Facebook pays telecom operators zero. The operators pay Facebook zero. The consumers pay zero. Why do we need to regulate philanthropy? Because these freebies are not purely the fruit of private capital. They are only possible thanks to an artificial state-supported oligopoly dependent on public resources like spectrum and wires (over and under public property). Therefore, these oligopolies must serve the public interest and also ensure that users are treated in a non-discriminatory fashion.

Also provision of a free service should not allow powerful corporations to escape regulation—in jurisdictions like Brazil it is clear that Facebook has to comply with consumer protection law even if users are not paying for the service. Given that big data is the new oil, Facebook could pay the access provider in advertisements or manipulation of public discourse or by tweaking software defaults such as autoplay for videos which could increase bills of paying consumers quite dramatically.

India needs a Net Neutrality regime that allows for business models and technological innovation as long as they don't discriminate between users and competitors. The Trai should begin regulation based on principles as it has rightly done with the pre-emptive temporary ban. But there is a need to bring "numbers we can trust" to the regulatory debate. We as citizens need to establish a peer-to-peer Internet monitoring infrastructure across mobile and fixed lines in India that we can use to crowd source data.

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about \$200,000 a year from WMF, the organisation behind Wikipedia, a site featured in Free Basics and zero-rated by many access providers across the world)

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