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July 28, 2015

*Dear Ramshankarji,*

I write to you to express my concerns regarding the report on Net Neutrality that was released by the Department of Telecommunication on the 16<sup>th</sup> of July.

I am dismayed to state that the report's contents was indicative of how far behind the curve the DoT is. Indian consumers were certainly expecting a more technically sound report from the DoT, which is famously equipped with 13 floors of technical expertise at the Sanchar Bhavan.

You will appreciate, that what Indian consumers expected from the DoT was a clear, concise, technology led laying down of principles, definition and rules about net neutrality. Instead what we have been handed is a document full of quotes and contradictory suggestions.

I have also noted that some crucial sections and recommendations of the report are identical to the submissions made by Telcos to the TRAI consultation paper. The attempt to regulate domestic VOIP applications, for instance, blandly accepts the Telcos repeated assertion of 'level playing field' and 'loss of revenues'. I had in my counter submissions to TRAI rebutted this assertion, and am disturbed to note that the DoT is ignoring the robust data revenue growth of the Telcos. In legitimizing the "level playing field assertion", the DoT has failed to understand the basic distinction between a circuit switched Public Land Mobile Telephony network (PLMN) and an Application on the Internet.

I must also highlight to you that it is technically almost impossible to distinguish between domestic and international VOIP, and in that sense, the distinction between the two, made in the report is artificial and technically flawed. Further, the distinction between even voice and non-voice content cannot be made without going into deep packet inspection, which in turn flags off privacy concerns. This suggestion is therefore both impractical and unviable, and surprising since it has come from the technical experts at the DoT. As a result of the report, there are concerns being raised in several quarters about the DoT's independence and commitment to Internet consumer rights – and indeed why it has avoided setting the rules for Telcos to protect against gatekeeping.



The DoT has also addressed the issue of zero rating in an ambiguous manner - while it has come down hard on the Facebook run Internet.org, it has suggested that similar zero rating products offered by telecom operators should be dealt with on a case by case basis by TRAI.

Further, I was disappointed to note that the DoT has not ventured into hard coding a definition of Net Neutrality. At the very least, the DoT should have hard coded *exceptions* that would not be permitted. Instead, the report consistently states that "*core principles of Net Neutrality must be upheld*" - while elaborating on the principles only in an annexure, as opposed to the main body of the report.

Another important technical examination related to the claims of the Telcos that a majority 2G network and lack of spectrum has serious implications on the implementation of Net Neutrality. Further they claim that the principles of Net Neutrality practiced in Europe and the United States are mostly related to fixed line network. While I reject these claims, it is the duty of DoT to examine this representation on its merits, especially since DoT is best equipped to handle such technical claims. I see this very vital aspect missing from the report.

This report, unfortunately, is an attempt to walk a middle path and reads like a compromised effort on the issue of net neutrality. It reinforces the perception that the TRAI and the DoT are complicit in the compromising of consumer interests, scams and attempts at policy capture that have ridden the Telecom sector over decades - issues that I had brought to your attention through a letter in July last year. I further note that DoT's consultations excluded consumer groups and Internet activists. I would recommend that all future consultations include these groups to truly represent Multistakeholderism.

I would urge you to expedite the process of taking a decision on the issue of Net Neutrality. Since the TRAI's recommendations on the same are awaited, the Ministry must issue a directive to TRAI, ensuring that the regulator completes its report in a time bound manner.

Yours sincerely,

*Warm personal regards*

RAJEEV CHANDRASEKHAR

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