



**RAJEEV CHANDRASEKHAR**  
MEMBER OF PARLIAMENT  
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Member of Central Advisory Committee for the National Cadet Corps  
Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District  
Vice Chairman, National Military Memorial Management Trust, Bangalore

23<sup>rd</sup> April, 2015

*Dear Shri Khullar*

I am writing to you in response to the TRAI consultation paper titled "Regulatory Framework for Over The Top Services" published on the 27<sup>th</sup> March 2015.

As you are aware, I had written to you on 16<sup>th</sup> January 2015 expressing concern over statements made by a TRAI representative whilst deposing on the issue of Net Neutrality to the Standing Committee on Information Technology, to which I had been invited. I have enclosed a copy of the same. – Annexure 1.

As I had stated, the TRAI's response at the meeting was inexplicable and inconsistent with what a regulator's approach ought to have been. In your reply you had promised that the consultation paper would present a balance of both sides on all relevant issues. I am enclosing copy of your reply as Annexure 2. I have gone through your 118 page consultation document and regrettably have noted, that this consultation paper lacks the promised balance and is therefore deeply disappointing. Arguably instead, the paper betrays a strong bias towards telecom operators from the questions framed for the consultation.

This is indeed unfortunate. As you are aware, the TRAI as Independent regulator is mandated by the TRAI Act to function as custodian of consumer interest. This debate on Net Neutrality should have placed consumer interest and Internet at its core and instead of trying to solely make a case for Telecom Operators or the protection of their investment interests or business plans.



As someone who is witness and participant in the dawns of both Internet and Telecom sectors, and understands Technology more than a little, I submit that Access providers are NOT the Internet. Internet is a global collaborative network consisting of interconnected servers and hubs. Internet is core to the innovations and collaborations driving the modern world and the consumers. No regulations or policy should attempt to distort this, least of all in a free, liberal democracy like India where a large percentage of our population is young.

Telcos/Internet Access Providers operate and run access networks to the internet. And even there investors and companies understand the changing nature of the technology space, with increasingly disruptive technologies and innovation! This is the new normal in to which they invest. Therefore seeking regulatory or public policy protection to perpetuate a legacy business model is neither appropriate nor to be supported!

I appreciate that investments and investor sentiment are critical to developing both national infrastructure on which the current and future Internet and Internet access network can operate. But, I firmly reject the notion that consumer interests and core character of an open and free Internet have to be sacrificed to maximize the business interests of Telcos and Internet Access Providers, which seems to be the premise of the TRAI consultation paper. Investments can be encouraged and grown even whilst protecting the consumer's interests and the fundamental net neutral characteristic of the Internet.

I have noted two recent comments made by you – first a reference to a corporate war between a Media co and a Telco driving this debate on Net Neutrality. As a regulator, you would agree that this is a serious charge and could potentially distract away from the real issues in this debate. I would urge you to make public all evidence that you and the TRAI have on this issue.

Secondly, you have referred to consumers' responses as being shrill. I would agree that there are passionate voices that have joined this debate. But the shrillness and indeed the large numbers of consumers who have joined this debate are a result of the perceived bias on part



of the TRAI and its consultation process. I for one welcome the consumers joining this debate, since they are ones who need to be aware if regulations hinder them or help them.

I would urge the TRAI to review its views, roles and consider enhancing its capacity to respond to a rapidly evolving technology and consumer paradigm. It is vital that going forward TRAI addresses the serious loss in its credibility – that the TRAI be seen as a credible, competent and unbiased body to consumers and investors by taking a lead on issues such as innovation, competition and Quality of Service amongst others. I would also urge you to review how this consultation paper became just a biased and one sided one. *I am sure you will agree, the TRAI is only as credible as the swiftness of its response and equally the robustness of its examinations, findings and decisions especially when it relates to issues like Net neutrality!*

You have no doubt heard loudly and clearly what hundreds and thousands of internet consumers are saying. The message from them is unequivocally clear – The Internet must be fair and open and place the Net neutral character of Internet and consumer choice at its core. The TRAI I am sure is seized of the large numbers of Internet consumers who have joined this debate and have sent their views on keeping the net neutral to TRAI. With this letter and the enclosed submission to the TRAI's 20 consultation questions, I join them formally.

The TRAI has powers to protect consumer Interest and consumers. The Authority must use these powers whilst finalizing its recommendations. I have also written to the Government on this issue, a copy of the letter is attached for your reference as Annexure 3.

Yours Sincerely,

RAJEEV CHANDRASEKHAR

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