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10 February, 2016

Dear Rameshwarji

Sub. : Net Neutrality - Further Steps Required

I write to you further to the Telecom Regulatory Authority of India's (TRAI's) regulation on "Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016" dated 08 February, 2016 which was an outcome of the Consultation Paper on "Differential Pricing of Data Services" issued by the regulator in December last year.

At the very outset, I must congratulate the TRAI for an efficient consultation process and for taking a prompt decision on the issue of Discriminatory Pricing – an important piece of Net Neutrality. Through this decision, the TRAI has moved the pendulum of regulations to where it ought to be, i.e. the consumer - reversing a long period of extraordinary regulatory influence of Telcos.

However, it is unfortunate that you have characterized this order of TRAI as "a reflection of popular will". TRAI is an independent regulator – an institution that is supposed to exclusively work on the basis of evidence, data, economic and regulatory rationale to arrive at its conclusions, uninfluenced by public pressure or any shrill public discourse. It is this kind of approach by TRAI that is required to make it an independent, credible institution. You will agree that if it is only about public opinion, then Parliament and Parliamentary Standing Committees could well fulfill that role.

Most importantly, while discriminatory pricing is an important part of the overall definition of Net Neutrality, this TRAI Order still leaves critical issues such as throttling, slow/fast lanes, sponsored prioritization etc. unaddressed, thus leaving open the real possibility of Telcos to continue to cabelize the internet and discriminate in non-tariff ways.



However, given the shortcomings in the TRAI Act, it is possible that the TRAI may not have the powers to regulate these areas. The Government, therefore, has the responsibility to address these remaining critical issues of Net Neutrality through one or both the following steps:

- a) Urgently amend the TRAI Act: To give the TRAI the required powers to intervene and regulate on these issues.
- b) Enact a Net Neutrality regulation: Pass a law to ensure that the above issues are mandated through legislation.

Given the overwhelming political consensus around the need for Net Neutrality, I have no doubt that Parliament will strongly support either or both the above steps required to give Indian consumers a fully net neutral internet.

Many other issues relating to consumer rights in the telecom and internet space remain to be addressed, like privacy, Quality of Service norms, choice and competition etc. I hope that you will start addressing these as well, at the earliest.

Sincerely,

RAJEEV CHANDRASEKHAR

Shri Ravi Shankar Prasad  
Hon'ble Minister of Communications & IT  
Government of India  
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Copy to : Hon'ble Prime Minister