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Net Neutrality: Internet is a global heritage, not preserve of select few

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There has been an uproar over the past couple of days on the issue of net neutrality. On this day of the internet, one has to realize that the Internet is a global heritage and cannot seize to be the preserve of a select few.

Can the internet become a captive to commercial interests? Pavan Duggal, leading expert and authority on Cyberlaw & Mobile Law says in this interview with Oneindia that we have to quickly realize that the internet is a global heritage and cannot be the preserve of a select few.

We have to quickly realize that internet is a global heritage. It cannot seize to be a preserve of a selective few. Therefore, one needs to ensure that the internet should not be captive to commercial or other interests.

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It is also important that internet must continue to be a fountain head to promote creativity and innovation. It is because of this role of the internet that Internet economy, e-commerce has grown to this level.

What is happening is that the right to access internet has assumed far more significance than civil rights. Today right to access internet is part of the fundamental right of life under Article 21 of the Constitution.

Today we cannot live a fully balanced life without accessing the internet. Since right to access is right to life under Article 21 of the Constitution, it can only be taken away in accordance with procedure established by law.

What are your thoughts on the argument by the Internet Service Providers?

What has started happening is that some ISPs are complaining that they have spent the money to build infrastructure on which internet works. They have the right to charge preferential rates for preferential services.

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The argument looks attractive on paper but has huge ramifications. It aims not to use net as an equalizer, but as discriminator and divider.

There will be two kind of users those who can splurge money and those who cannot. But can it be done at the cost of those who cannot splurge money?

The fundamental principle to net neutrality is that the network must be neutral and net must be a common platform for all.

The current controversy is thanks to an event of March 2015. The Supreme Court hands a thumping victory for online speech in its verdict on Section 66A.

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Three days later on March 27th, the TRAI publishes a consultation paper on its website which aims to get responses from various stake-holders on various issues of net neutrality.

If you look at the paper, the paper appears to be troubled that the new technologies like over the over the top applications are eating into profits of service providers. This consultation paper has sought comments till April 24th.

Some other initiatives like Airtel zero and internet.org have made offerings in which service providers we will give websites for free. However if you go beyond the bouquet of services then you will be preferentially charged.

When I as a consumer buy a 1 GB data pack, I pay for the same and it is my my choice where I want to go. Under the new scheme the service provider decides where the consumer goes free or is preferentially charged. Consumers will be deterred to go to preferentially charged websites as it would cost him money.

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There are various legal challenges pertaining to net neutrality and need to be considered now before proceedings ahead.

The first challenge is network neutrality not defined under the IT Act of 2000. Also, the first biggest challenge for us as an Indian nation is to define net neutrality. We need to protect the consumer so that his choice is not inhabited or restricted.

Also the entire issue needs to be seen from the aspect that such proposed initiatives should not lead to curtailment of online freedom including freedom of speech and even online liberty including the right to chose.

Intermediaries should understand that if they put consumes at a disadvantage it will have an impact on their future. These are interesting times and far too complicated to be decided by consultation paper.

Fortunately the TRAI can only recommend and it is entirely up to the government of India to decide on the issue. We cant do a cut and paste of an American example. India needs to evolve its own approach to net neutrality.

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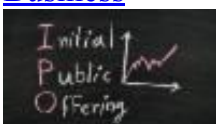


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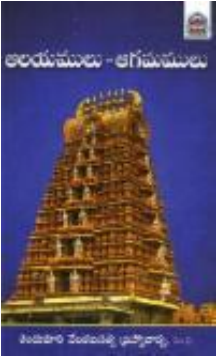
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