My overall philosophical approach to Net Neutrality is that it cannot be compromised in any manner whatsoever. Earlier the TSPs were happy to be data carrier but later on when they saw various applications being developed and able to make money, they wanted a piece of the cake but without having to work for it and simply by virtue of their control on the data transportation medium.

One of the generic arguments given is that without this, the cost of data will rise. The cost of data has been rising anyway over last few years. Perhaps not in the Rs/MB but definitely in the availability of data plans for users who don't spend half their time on internet and want to use it for specific and limited purpose only. For example, earlier there used to be a monthly data package for Rs. 99/- allowing 300MB data access and now for 28 days package, I need to pay over Rs. 250, though allowing me 1GB data access. But unless I spend significant amount of my time over internet, I won't consume 1GB data, thereby letting my data lapse.

Along the similar line, when in 90's mobile telephony services started, state owned fixed telephony service providers placed all kind of hurdles in the path of private operators. From charging local call to mobile phone as STD to denying or pricing outrageously the interconnectivity, there were multiple court battles fought. The reason was simple – state owned services providers wanted a big piece of the money to be made, which same companies fought. Now they find themselves in the situation where those whose data is flowing on their network are making money, they want bigger piece of money instead of just being content with the data traffic charges that they levy.

Coming to the specific points listed in the consultation paper:

Point 21 – Even if users are informed about network management, they won't be able to understand all the aspects. Full network management is a complex topic and users can be lost in details. It is upto TRAI to define clear policies and not leave it to users to understand the subject.

Specific Questions:

Question 1: Core principal of Net Neutrality is easy to define. ISP should not be allowed to block / restrict / throttle data flow on the basis of commercial principals. This can only be done on the basis of legal requirements / network management.

Network management practice is to be transparent. ISP on their website can put a SIMPLE document indicating their high-level network management practice which any user can go through. It should not be more than 1-page document which is complete in itself without different links and annexures.

Question 2: Reasonable network management would pertain to handling congestion condition. The handling of congestion would be non-discriminatory and not on the basis of any application or traffic content. There may be proposal for putting limitations on very heavy data users but this would fall more in the category of Fair Usage and data plan purchased.

Fundamental point is that the network management policy is not to be on the basis of commercial consideration / paid prioritization / promotion of specific site or service and has to respect user privacy.

Question 3: Defining net neutrality is not a rocket science. We have the example of different countries as to how what kind of policies they have defined and how they are managing, apart from various inputs received. Once policies are defined, the enforcement has to be in the hands of regulator. Job of regulator would be to define overall guidelines but specific implementation should be left to individual ISPs. At the same time it is the job of regulator to vet the specifics and ensure that those are in compliance with overall guidelines.

Question 4: There is constant battle between privacy and security. In the past it was not too difficult but with the advent of advanced crypto technology the debate is getting fiercer. In Indian context the debate is even more complex due to various security related challenges faced by us.

I am not knowledgeable enough in this area. But first of all, security agencies need to increase their competence. They can't keep on relying on capabilities of 20th Century for addressing the problems of 21st Century. Also there is limited help they can obtain by ordering ISPs – new communication applications allow end-to-end encrypted communication where even their servers don't have encryption keys. What can ISP do in such scenario?

Perhaps as the comments are being sought from various stakeholders, security agencies also should be providing their comments in the similar open and transparent manner. Subsequently via open debate the balance between privacy and security can be settled.

Question 5: Regarding privacy, I believe we already have laws in place. Not allowing deep packet inspection unless lawfully required, not collecting individual traffic behavior, limitations on with who all their data can be shared (only where it is lawfully required), limitations on how long they can store the data and compliance with proper data destruction requirements. In addition having internal processes in place about who all can access customer specific data. These are some of the high level thoughts about protecting user privacy.

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