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NET NEUTRALITY IN INDIA: REGULATING CYBER SPACE

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ABSTRACT

Net neutrality has been in news for the past decade across the globe. In a free and democratic country like India, the Internet has progressively become a very important platform of data distribution and exchange of opinions and views, especially during and post pandemic time (COVID-19) when almost everything possible is being done *via*. Internet. India supports the freedom of speech and expression which is constitutionally guaranteed to its citizens in the physical world likewise it also values an Internet that is accessible to all for expressing or communicating any information and does not discriminate between its users. Hence it is high time for Indian legislators to come up with specific legislation that should be based upon core principles of the net neutrality to avoid any discriminatory practices of ISPs, unrestricted access of internet, traffic management, etc, including the limitation and scope of network management for smooth functioning of this space. However debate centers to provide equality based treatment of citizens with the aspiration to make world a better place to live in with equitable arrangement and distribution of stakes.

KEY WORDS- Net neutrality, information technology, internet service providers (ISP)/ telecom service providers (TSP), government, end users and freedom of expression.

INTRODUCTION

Development and progress of Information Communication technology leads to information revolution in which the internet plays important and pivotal role which changes our lives tremendously. In the present world and the times to come more and more things, including work, communication, shopping, banking, news and education are done and will only be done online. Web has been a medium that has made advancement in innovation, business and administration. India is as case study in the power and potential of a free, neutral and open web. Positive steps taken by Government in recent years such as Digital India Programme, amendment in Information Technology laws and guidelines provided by Department of Telecommunication have brought benefits to millions of Indians, while internet penetration rates are rising fast. There is no doubt that the current net neutrality debate will reverberate around the world. India, which is estimated to have the second largest number of internet users in the world, may now be in the lead.¹ However, in recent years, cases of censorship of contents present online have amplified exponentially in India.

¹ Among other nations, China had the highest percentage of internet users. China has 854 million internet users, which is more than twice as many as the third-placed United States, which had just over 313 million, available at: <https://www.statista.com/statistics/262966/number-of-internet-users-in-selected-countries/> (Visited on June 2, 2022).

In 2011, India adopted the new ‘Information Technology Rules 2011’² that supplemented the “Information Technology Act, 2000”. These rules necessitated removal of obscure and objectionable contents within thirty six hours of receiving a grievance by Internet intermediaries. However, the terms involved were vague and open to interpretation. These rules have been heavily criticized, but they are in effect. In 2011, the government also drew criticism when it asked major websites such as Google, Facebook and Yahoo to pre-screen their content and remove objectionable and defamatory content before its online publication or putting it online. Government demands to ban content have also increased multifold in recent years. Meanwhile, as instant messaging apps such as WhatsApp and Viber grew in popularity, telecom companies began speaking out against accelerating users and usage or rather over usage of these services. They have been vociferous in recent years about their distaste for Over-The-Top (OTT) services, which is responsible for taking their sales away by affecting their main revenue streams calls and SMSes.³

Due to the open and democratic nature of the internet, users have very few restrictions on their information and content. Thus it can easily be accessed by anyone around the globe. There is an opinion or contention that weakening the neutrality of the open Internet could have an effect on the prevalence of diverse data and its independence.

There is an ongoing debate as to whether or not network operators in the sense of Internet Service Provider/Telecom Service Provider (ISP/TSP) ought to have the power to decide on the content delivered to their users and influence the essential design of the Internet. This has shaped important argument in support of internet neutrality.⁴ However, ISPs try moderately not to violate any law. They have approached TRAI for the losing revenues and are awaiting its decision on regulation instant messaging app by OTT players. Most decisions here are made by DoT and TRAI. It would be a good move to get things legally on paper, while Internet access in India is still at its infancy.⁵

CONSTITUTIONAL VIEWPOINT OF NET NEUTRALITY IN INDIA

Net neutrality is about the rules of the road for Internet users, and about the relationship between the owners of those roads and the users. Since its commercialization initiated about 20 years ago, the Internet has evolved from a professional research field to a worldwide phenomenon. It has completely changed the way we communicate, acquire information, work and conduct business, and its use has brought significant social and economic advantages.

Freedom of expression is one of the fundamental right enshrined under Article 19 of the Constitution of India, it has been reinforced as a basic human right enshrined in Article 10 of the European Convention on Human Rights (ECHR) and at the same time it also finds place in the International Covenant On Civil And Political Rights (ICCPR) under Article 19, this is sufficient to give us an idea about the importance and relevance of this right. The right to freedom of expression has been strengthened by the Internet, while providing simple and cost-effective opportunities to communicate, access exchange and obtain information. The market for Internet access products and services provided through the internet has grown

² Rule-3, Information Technology (Intermediaries Guidelines) Rules, 2011.

³ Alexis C. Madrigal and Adrienne LaFrance, “Net Neutrality: A Guide to (and History of) a Contested Idea” *The Atlantic*, Apr. 26, 2014.

⁴ TRAI- The Indian Telecom Services Performance Indicators.

⁵ *Ibid.*

rapidly in the past few years. Notably as a universal and general purpose technology, the Internet has contributed to increasing productivity and growth in many sectors of the economy, while opening up entirely new areas of business activity. Though there is no specific legislation for this issue but there are laws which have been developed or are there in our country which regulate the contours of net neutrality.

The first issue when we try to bring in ISP/TSP under obligation of equality (Article-14-Right to equality) and freedom of speech and expression(fundamental and basic right as provided in Article-19 of the Constitution) is whether they could be subjected under these articles because ISPs are private entities and not Government. If one analyzes the stand of Supreme Court in India, one comes to the conclusion that private entities too are made to follow similar standard of obligation like in the case of *Unnikrishnan v. State of Andhra Pradesh*⁶ where the constitutionality of the state law regulating high capitation fees charged by private educational institution was involved. Though not going into the nature of obligation, it was held that discharge of education by private institution is a public duty which requires to be acted fairly.

Moreover following *E. P. Royappa v. State of Tamil Nadu*,⁷ one can draw that this case laid down equal protection in a new sphere in India. Equality is a dynamic concept; it cannot be “cribbed, cabined and confined”. Also equality is antithetic to arbitrariness. As equality and arbitrariness are opposite to each other and arbitrariness is the whim of the monarch whereas equality is the rule of law and no bias. Arbitrariness is an implicit idea and contrary to political logic and constitutional law as it is unequal. Therefore, it can be argued it is violative of Article 14; if one follows these analogies it can be said that ISP/TSP also perform public duty so they must act fairly and without discrimination and without giving priority to any individual, thus giving equal opportunity to all. Further Article 19 of the Indian Constitution guarantees all citizens of India the right to freedom of speech and expression. This right is applicable on both the spheres *i.e.* offline as well as online. Any limitations imposed on access to data platform are equivalent to restrictions on the right to free expression. The virtual place of internet is open space just like street or public area so that restrictions of Article 19 must apply for circulation of free speech. ISPs while acting as gatekeepers play the same role which the government once played, to manage and maintain these avenues of expression. The openness of the Internet means that the information and content are largely unrestricted which is accessible by every user. Another viewpoint holds that the independence and diversity of data and information may be impacted if the “open Internet and its neutrality” deteriorates. It has been questioned whether equal access to the web can be separated from freedom of expression given the exponential growth of social media and employing the Internet as a dais for expressing thoughts and opinions.⁸ The majority believe that only users should have full and unrestricted rights to access legal content on the internet and that operators or carrier cannot discriminate either on the price, speed or quality of content out there on the net. Some net neutrality advocates acknowledge the requirement for traffic management, and disclosure of the practices employed by operators for traffic management should be sought from operators to ensure net neutrality. However it claims that recognizing the need for traffic management and disclosure of network operators’ traffic management practices is not enough thus it should be

⁶ *Unnikrishnan v. State of Andhra Pradesh*, 1993 SCR (1) 594.

⁷ *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SCC 555.

⁸ Pieter Nooren, “Net Neutrality and the value chain for video” 14 *Emerald Group Publishing Limited* 45 – 58 (2012).

complemented by the user's right to obtain additional information so that net neutrality could be achieved.⁹ As a result, they may be subjected to public law obligations regarding freedom of expression.

In the sphere of privacy and security, a number of developments have also occurred, which also includes the nine judge decision of the Hon'ble Supreme Court in *Retd. Justice K S Puttaswamy v. Union of India*¹⁰ which affirmed that the right to privacy is an essential component of the right to life and personal liberty enshrined in Article 21 and therefore constitutes one of the freedoms guaranteed by Part III of the Indian Constitution. This decision also provided recommendations regarding a proposed data protection bill as well as made reference to review the nation's current data protection laws. Since net neutrality debate includes ISPs dealing with end-users data therefore data protection and issue of privacy also becomes part of this discussion. The regulators and TRAI must take this aspect also in consideration while formulating law and regulations. Article 38 of the Constitution provides that the state shall endeavor to eliminate inequalities in status, facilities and opportunities hence when framing regulations or laws, the Government should take this in consideration, consequently interests of all is protected. Tampering with net neutrality could undermine the competitive functioning of both the telecoms and content provider markets, resulting in a poorer internet experience for citizens. Allowing paid prioritization could lead to cartel type collusion between telcos and OTTs, squeezing out smaller players as they try to enter the market and stifling innovation. The success of Digital India will depend heavily on efficiently functioning broadband markets that deliver high-speed internet access at affordable prices to all Indians.

INFORMATION TECHNOLOGY LAWS AND NET NEUTRALITY IN INDIA

The boon of technology is like any other idea comes with bane; here the threats involved are data theft, privacy breach, discrimination, cyber fraud, cyber terrorism, *etc.* Since India did not have any law for regulating the new sphere of digital world, following the "United Nations Commission on International Trade Law (UNCITRAL) Model"¹¹ on E- Commerce, the Government of India enacted the "Information Technology Act" in June 2000. The purpose of UNCITRAL model law on electronic commerce is to provide a framework for commerce through electronic means by providing guidelines to the countries to prepare their own legislation and to provide basic legal validity and raise legal certainty. Moreover it brings uniformity of law. The objectives of the Model Law are equal treatment of different techniques (*e.g.*, e-mail, Internet, telegram, telex, fax), equal treatment of paper-based and electronic transactions, media and technology neutrality. Consequently to deal with the enhanced scope of such threats which led to serious social and legal problem as traditional law were inefficient to deal with new era crimes and to regulate the cyber space, the Information Technology, 2000¹² was enacted by the legislators to fill the lacuna in this area

⁹ TRAI Consultation Paper on Traffic Management Practices (TMPs) and Multi-Stakeholder Body for Net Neutrality, January 2020.

¹⁰ *K S Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹¹ Yogesh Kolekar, "A Review of Information Technology Act, 2000" *SSRN* (2015), available at: <https://ssrn.com/abstract=2611827> (Visited on July 6, 2022).

¹² Information Technology (Amendment) Act, 2008, available at: <https://www.meity.gov.in/writer/eaddata/files/The%20Information%20Technology%20Act%2C%202000%283%29.pdf> (Visited on July 6,

by defining and prescribing the punishment of cyber menace. This law provides legal recognition to the transactions conducted using electronic data interchange and other forms of electronic communication, which are surprisingly referred to as “electronic commerce.” It also encourages the employment of alternatives to paper-based strategies for communicating and storing information; facilitating E-Governance in the country. It also establishes a regulatory framework and lays down punishment regimes for different cyber crimes and offences.¹³

The growth and development of information technology enabled services like e-governance and e-transaction created a greater requirement for stringent law so that data could be protected and privacy secured. And for this purpose amendment of 2008¹⁴ was carried out which along with other issues provided for protection of privacy through data protection which imposes liability on body corporate possessing, dealing and handling personal sensitive data. It shall be the responsibility of such body corporate to implement and maintain reasonable security practices and procedures and they may be held liable for damages in case of negligence. It additionally prescribes punishment for breach of confidentiality and privacy by disclosure of information without consent. The new amendment also empowers Government of blocking of public access to information through computer resource.

The IT Rules further emphasize on the issues of obligations of intermediaries, privacy of data and some exceptions. The “Information Technology (Intermediaries guidelines) Rules,” 2011¹⁵ were enacted by the Central Government in order to carry out the powers granted by section 87(2) (zg) read with section 79(2) of the Information Technology Act, 2000. These rules require intermediaries to exercise due diligence in carrying out their obligations by publishing the rules and regulations, privacy policy, and user agreement governing the access or usage of the intermediary’s computer resource by an individual. These intermediaries are obligated not to post or publish any information about persons who are there in virtual space however there is an exception that is whenever there is a requirement by lawful order and government agencies are in need of assistance from such intermediaries, they shall provide data or any help to Government agencies which are responsible and lawfully authorized for investigative, protective, cyber security activity. Such information or any assistance may be helpful to government aiming for verifying the identity, or for preventing, detecting, investigating, prosecuting, cyber security incidents and punishing criminals and keeping a check on cyber offences under laws currently in force in India. There is a requirement to apply in written stating clearly the reason of seeking or asking for such data or any such assistance by those in need of it. Social media intermediaries were later added under the “Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021”¹⁶ which also stipulated that the intermediaries

2022).

¹³ Available at: http://law.uok.edu.in/Files/5ce6c765-c013-446c-b6ac-b9de496f8751/Custom/Information_Technology_Act.pdf (Visited on July 6, 2022).

¹⁴ Information Technology (Amendment) Act, 2008, available at: <https://eprocure.gov.in/cppp/rulesanddprocs/kbadqkdscwfdelrquehwuxcfmijmuixngudufgbuubgubfugbububjxcgfvbsdihbgfGhdgFHtyhRtMTk4NzY=> (Visited on July 6, 2022).

¹⁵ Information Technology (Intermediaries guidelines) Rules, 2011, available at: https://www.meity.gov.in/writereaddata/files/GSR314E_10511%281%29_0.pdf (Visited on July 6, 2022).

¹⁶ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, available at: <https://www.meity.gov.in/content/notification-dated-25th-february-2021-gsr-139e-information-technology-intermediary> (Visited on July 6, 2022).

must secure their computer resources and the information they contain in accordance with the “Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011”.¹⁷ They should take all reasonable steps to protect the data. Since the intermediaries include ISPs/TSPs thus they are bound by all these IT laws and rules; consequently protecting the data of end users is their obligation but in exceptional cases they have to provide data to the Government for more pressing issues of national interest.

With proliferation of information technology enabled services like e- governance, e-commerce and e-transactions, protection of personal data and implementation of security practices and procedures relating to these applications of electronic communications have assumed greater importance and they require harmonization with the provisions of the Information Technology Act and Rules for making country technologically vibrant. All the more, the compliance of such Laws and Rules becomes utmost important for upholding the rights of individuals present on digital platform.¹⁸

TRAI AND NET NEUTRALITY IN INDIA

Over the past decade, the Indian telecommunications industry has experienced tremendous growth in terms of both market penetration and connectivity. India is currently one of the world’s marketplaces with the fastest rate of growth for information and communication technology, mostly credited to the mobile revolution. We tend to currently have 1177.97 million¹⁹ subscriber base, with 1157.75 million²⁰ of those being wireless subscribers, up from a few million connections in 1997. With this, the overall tele-density in India at the end of March, 2020 stood at 87.37%²¹ with decrease of 4.06 million²² subscribers in comparison to 2019.²³ India is additionally experiencing incredible expansion in terms of the overall number of web users. In the month of June 2019, there were more than 665.31 million²⁴ Internet customers across the country, of which over 643.64 million used cellular internet and 21.67 million used landline internet. There were 749.07 million²⁵ internet users have been recorded at the end of June, 2020, of which there are 23.06 million wired and 726.01 million wireless internet users. Therefore, the current Indian telecommunications and Internet access services are largely wireless in nature.

The number of broadband customers has likewise been steadily increasing over time. Currently, there are around 563.3 million²⁶ broadband customers in india and this figure is expected to grow extensively in upcoming years, especially considering the famous initiative of Government i.e. “Digital India” program. This project is focused on the urgent national imperative of providing all citizens with technological services, one of the cornerstones of which is ‘Broadband for All’. Bringing broadband to everyone requires

¹⁷ Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules , available at: 2011https://www.meity.gov.in/writereaddata/files/GSR313E_10511%281%29_0.pdf (Visited on July 6, 2022).

¹⁸ *Supra* Note 11.

¹⁹ The Annual Report 2019-2020 released by TRAI.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ TRAI, The Indian Telecom Services Performance Indicators, April-June, 2020.

²⁵ *Ibid.*

²⁶ *Ibid.*

significant investment in infrastructure development and at the same time it additionally requires an important build-out of networks of service providers.²⁷

The growth of the Indian economy has been accelerated multifold due to increased access to data and communication technologies. Enlarged connectivity to the net has amplified information dissemination, increased access to markets, led to expansion of social networks, and the proliferation of online media and content and has also led to improved consumer well-being. Additionally, it has led to the rise of a brand-new class of service providers who supply services via the Internet while utilizing cutting-edge and creative business strategies.²⁸

Telecommunication service providers (TSPs) have been compelled to look for novel solutions by the rising number of Internet users and Internet traffic. While TSPs must increase their investment in network infrastructure to keep up with the growing demand, they may also deploy traffic control solutions to alleviate network congestion problems. This has sparked new discussions about the suitability of the tools and regulations that TSPs may use to manage internet traffic and therefore the potential for abuse by TSPs for discrimination or anti-competitive acts. To manage traffic, the access providers shall conform to the limits and restrictions that are proportional and transient to the need of managing the case.²⁹

TRAI Regulations

The Telecommunications Regulatory Authority of India (“TRAI”) published its “Recommendations on Encouraging data usage in Rural Areas through Provisioning of Free Data”³⁰ recently. These recommendations follow from the consultation process initiated regarding Free Data in India. The digital divide cannot be denied in India, particularly within the rural areas. The Free Data Recommendations itself states that, Our performance of 7% penetration of broadband is well below the world average of 46%³¹. Internet access has been a subject of heated discussion in India over the past number of years. The TRAI regulation on “Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016,” which forbade discriminatory pricing for data services based on content, was one of the most notable advancements in this area.³²

On March 27, 2015, TRAI released a consultation paper titled “Regulatory Framework for Over-the-Top (OTT) Services” in an effort to gather opinions from stakeholders regarding this topic. The views on the framework are under consideration by the Authority.³³ A Consultation Paper on “Differential Pricing for Data Services” was published by TRAI in December 2015. Based on stakeholder feedback and internal discussion, TRAI produced the “Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016”. According to the rule, telecom service providers are not allowed to charge different rates for data services based on the online content which is being accessed by a consumer.

The Department of Telecommunications (DoT) has also established a high-level

²⁷ *Ibid.*

²⁸ TRAI Consultation Paper on Net Neutrality, 2017.

²⁹ The consultation paper on Traffic Management Practices (TMPs) and Multi-Stakeholder Body for Net Neutrality, 2020.

³⁰ TRAI’s Recommendations on Encouraging data usage in Rural Areas through Provisioning of Free Data, 2016.

³¹ *Ibid.*

³² Prohibition of Discriminatory Tariffs for Data Services Regulations, 2016.

³³ *Supra* Note 28.

group to investigate the concerns and challenges related to net neutrality and other related sectors. This committee provided their recommendations in a thorough report, which was made public in May 2015. DoT notified in its policy which had net neutrality as one of its issue, that the Government wants to promote policies that increase opportunities for their social and economic development by use of novel technologies. The aim of this document was to lay down a consistent policy and principles framework, that will enable creation of a vibrant competitive telecom market to strengthen India's long term competitiveness and achieve the goal of digital empowerment and improved well-being of the people of India. It emphasizes the need for appropriate regulatory safeguards for secure digital communications and emphasizes the need to ensure that the core principles of net neutrality are upheld and in line with service requirements, bandwidth accessibility, and network capabilities as well as next-generation access technologies. It also calls for the license agreements to be changed to include the principles of non-discriminatory treatment of content, as well as appropriate exclusions and equitable treatment, among other things. It also introduces appropriate disclosure and transparency requirements for assurance of compliance with net neutrality principles.³⁴

In 2017, a consultation paper on net neutrality was released by TRAI which specifically highlighted many contentions relating to net neutrality such as: traffic management practices, defining the core principles of net neutrality, transparency requirement, monitoring framework and other regulatory instruments seeking feedback from all categories of stakeholders therefore specific regulatory measures could be adopted and appropriate institutional framework can be established. The discussion is as follows:

- i. Traffic management practices: The service providers employ a variety of techniques to control the efficiency, security, and safety of their networks. It is crucial to make sure that such techniques are not utilized by service providers in an unfair and discriminatory manner. Any such regulation or policy pertaining to net neutrality, however, must not obstruct service providers' capacity to fairly and sensibly operate their networks. There are two regulatory strategies that could help achieve this objective. First, a broad approach that includes defining the ambit of "reasonable" traffic management practices. It would therefore describe the contours of those practices and principles which could further determine whether or not a service provider's interference with internet traffic is appropriate or unacceptable. A restricted approach, on the other hand, would confine itself to a list of unreasonable traffic management techniques.³⁵
- ii. Determining the core principles of net neutrality: For the sake of our legal and regulatory framework, responsible government authorities in India have not yet decided on the exact parameters of net neutrality and have not made a definitive decision on the matter. It is significant to make list of core principles of net neutrality for India based on an analysis of the various reasonable and unreasonable traffic management strategies used in the country. At the same time, it is important to identify any traffic management strategies that may go against these fundamental principles.³⁶
- iii. Transparency requirements: It is crucial to make sure that the affected population, *i.e.*, the end users, have online access to pertinent data regarding what types of traffic shaping practices are being used by service providers and at the same time, the justification for selecting those specific practices, prior to finally defining the permissible extent of reasonable traffic management practices and implementing it. They might require this

³⁴ DoT's National Digital Communication Policy, 2018.

³⁵ TRAI Consultation Paper on Net Neutrality, 2017.

³⁶ *Ibid.*

information in their capacities as current or potential customers of a TSP, content creators looking to connect with a TSP's customers, rival TSPs in the same industry, or members of the general public. Therefore, it is crucial to identify the particular transparency-related duties that must be adhered to in every situation.³⁷

- iv. **Monitoring framework:** It is essential to establish an appropriate framework for monitoring and enforcing the principles of net neutrality to achieve its objectives. Because of the fast changing technology, evolving regulatory/policy atmosphere and rapid-developing business models, we require relevant and appropriate monitoring mechanism for these ever-changing conditions and situations. Thus, depending on the tools employed to implement net neutrality principles in India, the monitoring responsibilities may change from one in which the authorities and other governmental agencies continue to bear the primary responsibility to another in which we may rely on participatory/collaborative models for monitoring and exchanging compliance information. We can also use a combination of these models.³⁸
- v. **Regulatory measures:** Authorities should also consider the various tools that can be used for achieving a net neutrality framework in India. This can be achieved, for example, through voluntary commitments that the TSPs have agreed to under the guidance of the authorities. Alternatively, by adopting more specific regulatory instruments, such as recommendations to introduce legislation on the matter; amending the terms of the license agreement to require TSPs to adhere to net neutrality requirements and development of net neutrality regulations by the Authority, using the authority to regulate on the topic of Quality of Service (QoS) that have been granted to it under the TRAI Act.³⁹

CONCLUSION

While net neutrality as it exists today may not be completely neutral but it plays an important role and differentiation in the treatment of different services and the traffic of various service providers by Internet service providers (ISPs) has been kept within rigid controls as internet service providers, telecommunications companies, and governmental organizations are required to treat all data on the Internet equally, without making any distinctions or charging different rates based on users, content, websites, platforms, applications, type of connected device, or mode of communication and this is known as the "net neutrality" principle.

Internet has further brought up numerous challenges for public policy however it must not result in restrictions neither on network creators nor on network users that unreasonably and unnecessarily stifle experimentation and furthermore cause hindrance in innovation in technologies and business models either in telecommunication networks or the larger economic world. Net aims to provide level playing field for all players for internet activities. However it would hinder the private interest of broadband provider. Thus there will be conflict with public interest of competitively innovative environment of the internet. What is required is balancing of these conflicting interests. India will need to adopt a logical strategy and create objective policies that are especially suited to the needs of our nation, given the size of the internet user base and the significant role that the internet plays in the economic, social, and political spheres. The net neutrality debate becomes all the more relevant in case of India where the penetration of smart phones is increasing and efforts are on to bring more people to the Internet, through the digital India campaign.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*