

Protect net neutrality: Need for law

K Krishnaveni

Guest Faculty, Tamilnadu Dr. Ambedkar Law University, Chennai, Tamil Nadu, India

Abstract

The term Internet may be a short of “internetworking” Internet is often loosely outlined as a global system of interconnected networks and computers, or in other terms, it's a network of computers, that bond different sort of computers worldwide around the universe. Advanced Research Projects Agency Network was the globe initial operational network, it was developed by the U.S department of defence, and initially it had solely four sites in 1969. After that hyperlink, mouse, URL, was created, Tim Berners Lee brought all of this together to make the World Wide Web in 1990. Internet improves the science, technology and communication, online entertainment and additionally it is helpful for education purpose nevertheless. Tim burners-lee quoted that “freedom of connection with any application to any part is the basic social basis of the internet and now could be the idea of the society built on the internet”.

Keywords: internetworking, TRAI, neutrality in India, consumers

1. Introduction

The term Internet may be a short of “internetworking” Internet is often loosely outlined as a global system of interconnected networks and computers, or in other terms, it's a network of computers, that bond different sort of computers worldwide around the universe. Advanced Research Projects Agency Network was the globe initial operational network, it was developed by the U.S department of defence, and initially it had solely four sites in 1969. After that hyperlink, mouse, URL, was created, Tim Berners Lee brought all of this together to make the World Wide Web in 1990. Internet improves the science, technology and communication, online entertainment and additionally it is helpful for education purpose nevertheless. Tim burners-lee quoted that “freedom of connection with any application to any part is the basic social basis of the internet and now could be the idea of the society built on the internet”.

2. Concept and need of net neutrality

What precisely the internet neutrality is, first of all we should always understand the idea of internet neutrality that web that enables everybody to speak, access and express freely. It means that service suppliers ought to permit access to any or all lawful content and application, despite the source and no websites, applications or pages ought to be blocked, unless and otherwise they aren't forbidding by law. All web sites are accessible at an equivalent velocity and no specific website of application is supported or benefitted.

Wikipedia interprets internet neutrality as the principle that internet equally not discriminating or charging differently by user content web site platform, application form of hooked up equipment or mode of communication Think regarding the conveniences and services provided by internet such as instant access to email, online shopping, social networking, online marketing, e-commerce, internet banking, instant messaging, file transfer protocol etc., if there is no net neutrality internet won't operate as we have got renowned it too, internet service provider (ISP) will be able to charge, companies like Netflix, YouTube, Facebook and Google as it absorbs more bandwidth, in the end the load of the

supplementary sum will be pushed towards consumers, ISP can make slow as well as fast internet lanes or channels which mean all websites cannot be accessed on the equivalent velocity, if they desire to access speedily, then they have to pay an additional further sum.

This concept is extremely important for all tiny business proprietor and enterprises; additionally it conjointly essential for innovation, new ideas and creating job opportunities, protection against discrimination. Net Neutrality lowers the barriers of entry for enterprises, reinforce user selection, start-ups and small businesses by ensuring the Web is a just, equitable and level playing field, freedom of expression, etc.,

3. Competition Law

On April 6th Airtel proposed the „Airtel Zero“ permitting customers to access apps of collaborating app developers at zero data charge. Now, you will be speculating about what's wrong if somebody wants to supply free Internet? Free internet sounds tempting, Airtel Zero utterly violates net neutrality as a result Airtel user would have access to some apps at no cost of charge and therefore the rest they need to pay furthermore charges. Therefore, Poo-bah may end up drive competitors out of the field merely giving free access to their apps that creates an unfair playing field. So this is often not ideal for innovation/new ideas rather like water and electricity unit are used doubting Thomas therefore ought to be the Internet services. Electricity distribution corporation charge consumers primarily based upon the units they consume and not on the basis of whether or not they used those units for heating water, cooking or for watching TV. Water Distributions Corporation conjointly charges the consumers primarily based upon the quantum of water used, despite whether or not the water was used for bathing or for washing garments. Similarly, Internet providers ought to charge users of the data used and this should have nothing to do with the sites against which the data are consumer used. This will produce an obstacle to new entries among the markets, purchaser, buyer loses their selection, for instance, if flip kart is on underneath the Airtel plan and eBay is not, individuals go to access solely the flip kart, Because if folks

want to access eBay they have to wait for minutes they won't access it on the equivalent velocity as like flip kart, if so they have to pay furthermore supplementary charges, there is not at all no internet, but however slow internet, This turn out to be becoming anti-competitive, this sort of discriminatory offers should not be avow as it becomes anti-competitive beneath section 3 of competition act 2002 Any Agreement entered in the contra version of 3 (1) held to void and per Se illegal: The main aim of the competition act 2002 is to protect interests of the consumer and to promote just and equitable competition and to prohibit AAEC Appreciable Adverse Effect on Competition under sec 19 (3), just and equitable competition promote efficiency, increase the number of choices to the consumer, promotes innovation etc.,

Provision related to anti-competitive agreement was notified on 20-5-09. In U.O.I vs. Hindustan Development Corporation 1994 AIR 988, 1993 SCR (3) 128 Supreme Court interprets cartel in simple term, An arrangement or agreement between the parties to control or attempt to control the competition. Absence of net neutrality law amounts entity to play a dominant role and bring differential service towards the consumers and price discrimination. The competition commission of India chairman Ashok Chawla said that they were examining that whether or not these practices are unfair put together department of telecommunication conjointly said that they were investigating the matter. TRAI Chief Rahul Khullar said that Airtel cannot be chargeable for violating net neutrality as a result of India has no regulation that demands net neutrality.

4. Violates freedom of speech and expression

American President Obama declared that I'm an enormous supporter of internet neutrality, furthermore, he put on that protecting free internet protects your free speech On 2015-3-15, the Humble Supreme Court of India, within the case of "Shreya Singhal v/s Union of India" smitten the IT Act, 2000 as being constitutional invalidity said judgment hailed the sacred nature of the freedom of speech and expression on the Internet. It is indispensable that freedom of speech, one will elevate their voice or opinion without the concern of being blocked or prohibited from accessing the websites.

We'd like to concisely careful that victories obtained from internet freedom of speech and expression by the Supreme Court in section 66A must not be given up. Article 19 of the Indian Constitution guarantees all citizens of India the right to freedom of speech and expression. This applies online furthermore offline. Any restrictions placed on access to platforms of data are equivalents to a restriction of freedom of expression. The National Association of Software and Services Companies immersed regulators to keep up net neutrality stated that any discrimination within the treatment of data amounted to violation of the elemental right of free speech. Freedom of speech conjointly means the freedom to listen or heard. When many folks speak (in the sense that there are several apps and websites available) however, I can listen or hear solely to a few (in the sense, some apps and websites may be slower or could pay additional cost), it violates the liberty of speech and expression.

5. Countries that have create it into law

The South American nation was the primary country to create the Net Neutrality law, in July 2010. In keeping that was enclosed in Chile's General Law of Telecommunications, "No [ISP] will block, interfere with, discriminate, hinder, nor

prohibit the right of any Internet user of using, send, receive, or supply any content, application, or legitimate service through the Internet, additionally any activity or legitimate use conducted through the Internet." This law was passed once an almost virtually unanimous call of one hundred votes to one abstention". The Netherlands was the second country globally and therefore initially one in Europe to create in 2011.

The laws in this land prevent telecom operators from interference or charging consumers over and higher than the regular data charges, for using VoIP based mostly apps and different internet-based communication services. Brazil, passed a legislation on April 22, 2014, that is called as which makes equal access to internet mandatory and protects the privacy of the Brazilian internet users. This means that even firms like YouTube, Facebook, and Google then on who are primarily based within the US and have their servers across the globe are going to be subject to Brazil's laws and courts. USA passed Net Neutrality as a law in February this year. In January 2014, a federal judiciary court is smitten the Federal Communications Commission (FCC) in 2010 which had introduced sturdy Net Neutrality protections preventing internet service providers from obstructing websites or imposing limits on users. As a result of this, a user created a petition on White House it received over 1 lakh signatures. On 16-5-2014 the Federal Communication Commission issued a planned internet restrictive structure on that it invited suggestions from the general public. It received over four million comments, creating a record of kinds for any previous federal communication commission regulation. Finally, in February 2015, the Federal communications commission passed the Open Internet order. Its attention grabbing to notice that on top of four countries is that the majority of these movements were initiated by folks instead of government.

6. Need for regulating laws in India

Neither the information technology act 2000 nor any rules or regulations design there under have reference to net neutrality. In line with a report by Indian express both are longing for a public law spelling out do's and don'ts that may help guarantee net neutrality. Aforesaid TRAI Chief Rahul Khullar said that Airtel cannot be chargeable for violating net neutrality as a result of India has no regulation that demands net neutrality, In March 2015, TRAI discharged a proper consultation paper on Restrictive Framework for Over-the-top services, seeking comments from the general folks.

The consultation paper was criticized for being one-sided and having ambiguous statements. It received condemnation from numerous politicians and Indian Internet users. By 24-4-2015, over a 10, 00,000 emails had been sent to TRAI demanding net neutrality. Rahul Gandhi, the Congress party's inheritor, on 4-22 gave a notice to the Lok Sabha to hold a discussion on the problem and eventually mentioned a precious few words. We'd like a law on net neutrality. 10, 00,000 folks have voiced their opinion" he said. TRAI ought to stop the consultation process and alter the policy. The government is attempting to carve out the net and hand it over to the corporate.

India's discussion on net neutrality started once telecommunication giants like Airtel complained that over-the-top services mainly electronic messaging and calling apps were intake into their revenue and demanded that these apps be regulated. On 7-4-2015, Tathagata Satpathy the Member of Parliament from Odisha wrote a letter to TRAI in support

of net neutrality. On 11 April 2015, the favoured You Tube videos producer AIB uploaded a video titled "Save the Internet" which urged folks to email TRAI demanding net neutrality. On 23-4-2015, numerous organizations beneath the orbit of the free software movement, of India free software foundation Tamil Nadu organized Walkathons in various cities across India. Organized a Walkathon in Besant Nagar Beach, and in Karnataka state they organized a Walkathon from National Games Village to Forum Mall in Bangalore.

7. Conclusion

TRAI's intentions should be to guard the rights and interest of the consumers and not think about the profit margins of telecom operators. Net Neutrality is the Internet's guideline principle that protects our right to share/express freely online, without any discernment. Aforementioned net neutrality protects equitable service, pricing practices, promotes innovation, disseminate of ideas, drives entrepreneurship, promote non discernment, and vitally protects freedom of speech, if there is no internet neutrality, then we have to access slow internet, furthermore, we have to pay an additional supplementary add-on-charges to access international websites and access with an equivalent velocity as like other websites provided by the given scheme, It affects just and equitable competition and amounts to online discrimination.

It's attention grabbing to notice that countries which have made a net neutrality law, within that majority of the movements were initiated by folks instead of the government, it's time for us to initiate our government to create a net neutrality law, Netflix reiterates the statement that Consumers have to determine who are the winner and loser on the Internet, but not the broadband entity. Good things occur when folks stand up, from the above discussion, it is clear that it's vital to enact a law to protect net neutrality in India.

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