

The Socratic debate: Whose internet is it anyway?

Pranesh Prakash

2014-11-18

Economic Times

In the US, President Obama recently spoke out on the seemingly arcane topic of net neutrality. What is more astounding is that the popular satire news show host John Oliver spent a 13-minute segment talking about it in June, telling Internet trolls to “focus your indiscriminate rage in a useful direction” by visiting the US Federal Communications Commission’s (FCC) website and submitting comments on its weak draft proposal on net neutrality. Due to the work of activists, popular media coverage, pro-net neutrality technology companies, and John Oliver, eventually the FCC received 1.1 million responses. Text analysis by the Sunlight Foundation using natural language processing found that only 1% of the responses were clearly opposed to net neutrality. So millions of people in the US are both aware and care about this issue. But the general response in India would be: what is net neutrality and why should I be concerned?

Net neutrality is commonly described as the principle of ensuring that there is no discrimination between the different ‘packets’ that an Internet service provider (ISP) carries. That means that the traffic from NDTV should be treated equally by Reliance Infocomm as the traffic from Network 18’s CNNIBN; that even if Facebook wants to pay Airtel to deliver Whatsapp’s packets faster than Viber’s, Airtel may not do so; that peer-to-peer traffic is not throttled; that Facebook will not be able to pay Airtel to keep its subscribers bound within its walled gardens; and also that Airtel can’t claim to be providing Internet access while restricting that to only Facebook or Whatsapp.

The counter to this by telecom companies the world over, which has little evidence backing it, is primarily two-fold: first, one of equity — that it is ‘unfair’ for the likes of YouTube to get a ‘free ride’ on Airtel networks, hogging up bandwidth but not paying them; and second, that of economic incentives — networks are bleeding money due to services like WhatsApp and Skype replacing SMS and voice, and not being able to charge them will lead to a decrease in profitability and network expansion. The first claim is based on a myth of the ‘free ride’, while the reality is that subscribers who download more also pay the ISP more, while contentemitting companies also have to pay their network providers as per the traffic they generate, and those network providers, in turn,

have to enter into ‘transit’ or ‘peering’ agreements with the ISPs that eventually provide access to consumers. The second claim has little evidence to back it up. Efficient competition is the best driver of both profit as well as network expansion. VSNL complained about services like Net2Phone in the 1990s and even filtered all voice-over-IP (VoIP) traffic — and illegally blocked a number of VoIP websites — to preserve its monopoly over international telephony. Instead, removing VSNL’s monopoly only benefited our nation. As for network expansion, it is inability of networks to profit from sparsely populated rural areas that poses a major roadblock. Fixing those problems require smart pricing by telecom companies and intelligent regulation, including exploring policy options like shared spectrum, but they do not necessarily require the abandoning of net neutrality.

However, the fact that the reasons telecom companies often provide against net neutrality are bogus doesn’t mean that it’s easy to ensure net neutrality. The Trai has been exploring this issue by holding a seminar on OTT services. However, the main focus of the discussions were not whether and how India should ensure net neutrality: it was on whether the government should regulate services like WhatsApp and bring them under the licence Raj. Yes, the debate going around in the regulatory circles is whether India should implement rules to ensure net non-neutrality so as favour telecom companies! Net neutrality is a difficult issue in regulatory terms since there is no common understanding among academics and activists of what all should fall under its ambit: only the ‘last mile’ or interconnection as well?

The policy dialogue in India is far removed from this and from considering the nuanced positions of anti-net neutrality scholars, such as Christopher Yoo, who raise concerns about the harms to innovation and the free market that would be caused by mandating net neutrality. The situation in India is much more dire, since blatant violations of net neutrality — howsoever defined — are already happening with Airtel launching its ‘One Touch Internet’, a limited walled garden approach that lies about offering access to the ‘Internet’ while only offering access to a few services based on secretive agreements with other companies. Mark Zuckerberg, the founder of Facebook, recently toured India talking about his grand vision of providing connectivity to the bottom half of the pyramid yet did not talk about how that connectivity would not be to the Internet, but will be limited to only a few services — including Facebook.

Even if we had good laws in favour of net neutrality, without effective monitoring and forceful action by the government, they will amount to little. s. Undoubtedly the contours of the conversation that needs to happen in India over net neutrality will be different from that happening in more developed countries with higher levels of Internet penetration.

However it is a cause of grave concern that while net neutrality is being brutally battered by telecom companies in the absence of any regulation, they are also seeking to legitimize their battery through regulation. It is time the direction of the conversation changed. Perhaps we should invite John Oliver over.

The author is Policy Director at the Centre for Internet and Society, Bengaluru