

**GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS & IT  
DEPARTMENT OF TELECOMMUNICATIONS**

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**Internet-Related Public Policy**

**An Indian Perspective**

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## **Indian Perspective on Internet Related Public Policy Issues**

### **Introduction**

The Internet has revolutionized the world around us by changing the political, social, economic and cultural landscape of our societies as an omnipotent and ubiquitous phenomenon. Considering the fact that India has a population of over 17% of the world, the Indian government, therefore, should play a pivotal role in global Internet cooperation; in formulating frameworks for such cooperation and building a roadmap for future Internet governance challenges.

World Summit of Information Society (WSIS) has extensively dealt with its various aspects Internet Governance and has defined and recognized the roles of various stakeholders including the Governments in formulating International Public Policy and overall governance of Internet and management of its critical resources. The role of the Government in formulating Internet related public policies, in the context of current global issue of Internet governance can better be understood by asking the following relevant questions:

- 1. What should be the scope or terms of references of Internet Governance be?**
- 2. Who are its various stakeholders/ performer/ actors for different levels of work in the multilayered and multi-player scenario of the Internet ecosystem?**
- 3. How are the various stakeholders' roles defined and how can their functions be coordinated and harmonized to dovetail their mutual roles towards a common goal and objectives?**

**4. Who would formulate the high level principles to enable the Stakeholders/ actors/ performers to perform their roles in a coordinated and harmonized way towards a common cause of Internet Governance?**

**5. Finally which should be the Authority at the global level which will formulate the high level public policies relating to Internet?**

Today, Internet is ubiquitous and plays a critical role in socio-economic development, as a medium of learning and service provisioning involving all types of stakeholders namely the Government, Private Sector, Civil Society, Individuals, International bodies and Inter-Governmental Organizations.

Hence, it is essential to secure the Internet System in general and to protect the integrity of communication, data and information content in particular. It is also important to address the threats arising out of the misuse of the Internet. In this regard, the Government and the community of governments besides other stakeholders have a role to play in their sphere of activities.

However, the functioning of the various stakeholders and the rules/principles/ guiding norms being adopted or to be adopted by the stakeholders while working for/ contributing to the development and shaping of the Internet eco-system as a whole is a complex and contentious exercise in which it really becomes difficult to visualize and precisely determine the roles and scope of various stakeholders/ actors.

Fortunately, a lot of work has been done in this direction. In 2005, the World Summit for Information Society after long and detailed deliberations adopted the Tunis Agenda which covered the various aspects of Internet, including definition of Internet Governance **[Para 34]** and also identified the roles of various stakeholders **[Para 35]** such as that of the Government, Private sector, Civil society, Intergovernmental organization and International organizations in shaping and developing the entire Internet System.

The governance of Internet as well as the governance on Internet (users) involves a holistic involvement of all stakeholders/ actors and India believes that the Government has certainly a prime mover role to play in this regard. This is especially true in many developing and least developed countries where the necessary institutions may not be sufficiently evolved or perhaps not even exist. This paper sets out the India's view, arguing that the issue should be considered in a broad context. The different roles of the Indian government are to empower Internet users, ensure a fair and consistent domestic legal framework, and foster a robust global Internet infrastructure. Governments need to be active players in the Internet governance process with other stakeholders and build partnerships in order to achieve public policy goals and to secure the economic and social benefits of its citizens through the Internet as envisaged in Para 29,35, 61,68 and 69 of the Tunis Agenda. Government should be represented in decision-making forums but they would undertake consultations at their respective national levels with all stakeholders including private industry, civil society, academia and the technical community while formulating their positions.

## **Public Policy Issues: Indian Government Role in Internet Governance**

### **1. The development of standards for Internet**

The government needs to play due role in coordinating the creation of open standards on an international scale. The government is an affected party in many areas of standardization. The government should supplement the efforts by participating in the standards making process, facilitate or coordinate standardization with existing organizations especially the ITU, ISO, IEEE or any other standard setting organization to create a regime of open standards in order to minimise the possible use of Standard Essential Patents resulting in affordable equipment pricing. The government organization can play a major role in creating and supporting open standards as against consortium or propriety standards

### **2. The security, safety, continuity, sustainability and robustness of the Internet**

The Indian government plays an important lead role in managing critical infrastructure such as energy, telecom, Internet etc. The Internet relies on a complex physical infrastructure of telecommunications and computer capacity and a set of common technical standards and protocols. The Indian government has a number of roles, along with other stakeholders, in helping to ensure that this infrastructure is robust and that it continues to develop on an open and pro-competitive basis to allow for new entrants, new services and new applications and for new users from around the world.

The **Section 70 of the Indian Information Technology Amendment Act (IT Act) 2008** provides guidelines for Critical Information Infrastructure and Protected System. The Indian Computer Emergency Response Team (CERT-In), a government body under the Ministry of Information and Technology, has been designated as the National Nodal Agency for incident response. By virtue of this, CERT-In will perform activities like collection, analysis and dissemination of information on cyber incidents, forecasts and alerts of cyber security incidents, emergency measures for handling cyber security incidents etc.

The role of CERT-In in e-publishing security vulnerabilities and security alerts is remarkable. CERT-In is very crucial and there are much expectations from CERT for not just sending out alerts but in combating cybercrime, monitoring the web-traffic, intercepting and blocking malicious sites, creating mechanisms for security threat early warning, vulnerability management and response to security threats whenever so required and with due process of law.

### **3. Providing a consistent domestic legal framework for :**

#### **I. Developmental aspect of the Internet**

The Indian government plays an important role in empowering individuals, to develop an enabling environment for encouraging growth, interoperability and development of the

Internet communities and businesses so as to be able to access and use the internet. Government of India is committed to ensuring the protection of networks and preservation of the democratic nature of the Internet and keeping interference to the minimum necessary to keep it socially responsible and legal.

### **Digital Divide**

The Indian government has a major role in providing an enabling environment to its vast growing population for easy access to multi lingual (Indian languages) information, knowledge and skills which are in conformance with content and culture of the country to reap the benefits of its **demographic dividends**. It is the ultimate prerogative of the government to provide to its citizens access to affordable and fast broadband internet services necessary for their socio-economic development. The Internet also provides an enabling environment which brings e-governance close to the doorsteps of the citizens. As a highway or a bridge provides connectivity between people and places and its regular upkeep and maintenance is necessary role of the Indian government, similarly the deployment of optical fibres across the length and breadth of the country or providing extra terrestrial solutions for internet accessibility and penetration is pertinent to achieving wide encompassing development via the internet which could be achieved only through Indian government intervention to reach the nook and corner of the country.

Digital divide is a multi faceted challenge (affordability, usage, access, relevance, funding, etc) with no one-size-fits-all. Hence the governments in the developing and least developed countries need to ensure that they promote a coherent national level strategy including technological innovation and innovation clusters based on progressive and forward looking policies that

addresses their respective concerns regarding digital divide in terms of the desired impact that they seek.

## **II. Combating Cybercrime, use and misuse of the Internet**

Indian government has to play a major role in combating cybercrime particularly new challenges posed by child protection, copyright infringement and consumer protection. Indian government has to place broader set of roles and responsibilities of various stakeholders to fight cybercrime.

In this respect the Indian government has passed the **IT Act 2000 and IT Amendment Act 2008** to tackle the menace of cyber crimes those dealing with cognizable offences and criminal acts as mentioned under Section 65, Section 66, and Section 67 etc. Transborder cyber crime is bound to increase as more people get connected to the internet. This would create a demand for not just domestic law enforcement involvement / efforts but also those at a regional and international level. To achieve these there needs to be in place Multilateral and Bilateral agreements between countries which would be negotiated by the respective governments.

## **III. Respect for privacy and the protection of personal information and data**

Internet privacy involves the right or mandate of personal privacy concerning the storing, repurposing, provision to third-parties, and displaying of information pertaining to oneself via the Internet. **Section 66E** of Information Technology Amendment Act 2008 discusses privacy violation. Section 69 empowers the Controller; if he is satisfied that it is necessary or expedient so to do in the interest of sovereignty and integrity of India, security of the State, friendly relation with foreign states

or public order, to intercept any information transmitted through any computer system or computer network. Penalty for breach of confidentiality and privacy is also discussed in **Section 72**. Moreover with increasing proliferation of social networking sites the issue of privacy and data protection accrues a serious role in internet policy making where Indian government has to play a pivotal role.

#### **IV. Protecting children and young people from abuse and exploitation**

It is the role of the Indian government to determine how strictly such norms are being followed in the cyber world through proper policy formulation and regulation. The **Information Technology Amendment Act 2008** under **Section 67B** deals with Child Pornography i.e. persons who have not completed 18 years of age, for the purpose of this Section.

#### **Conclusions**

The success of the Internet can be attributed to its openness. As such, Indian government has a responsibility to maintain a secure, open and free character of the global Internet. The Indian government plays a central and crucial role in providing open access to the Internet, guaranteeing internet freedom, and securing the rule of law online. This responsibility exists at the national level, but given the borderless, global nature of the Internet, the Internet governance is also very much a global issue. It is both a domestic and a foreign policy subject. Indian government has an obligation to ensure its strategic security in the cyber domain. It also has an important role in furthering internet freedom, along with civil society, the private sector and academia. We feel that global Internet Governance and international management of internet should be multilateral, transparent, democratic and representative with full involvement of governments and other stakeholders. The institutions that regulate and administer the Internet need to be



internationalized. In this regard it can be stated that governments should engage with all the stakeholders to work in a synergetic manner to achieve the objectives of a robust, secure, capable Internet which can help in the overall growth of the economy, knowledge and convenience of mankind at global levels.

Policy framework on the Internet governance at the international level must involve all the governments of various nations through mutual consultation and negotiation. In this regard, governments also need to involve all their stakeholders in their consultation processes.

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