TRAI in Support of Net Neutrality

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Why in news?

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The Telecom Regulatory Authority of India (TRAI) has recently rolled out a series of recommendations in strong support of Net neutrality.

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What are the major recommendations?

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- **Discrimination** - Service providers are restricted from entering into any arrangement that has the effect of discriminatory treatment in Internet access.
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- The discrimination should not be based on the content, sender or receiver, protocols being used, or user equipment being deployed.
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- Any "discriminatory treatment" including blocking, degrading, slowing down or granting preferential speeds is restricted.
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- **Content** - Non-discriminatory treatment applies specifically to 'Internet Access Services' which are generally available to the public.
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- The content mentioned includes applications, services and any other data, including its end-point information.
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- **Monitoring** - TRAI has recommended the establishment of a collaborative mechanism in the form of a multi-stakeholder body.
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- This would be responsible for developing technical standards for monitoring violations and enforcement of the principles.
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What is the significance?

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- Internet has become a basic infrastructure and an egalitarian platform that advances the <u>free speech rights of citizens</u>.
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- The recommendations have thus upheld the <u>democratic principles</u> of the country by granting the <u>freedom and choice of access</u> for the end users.
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- TRAI has also taken the leadership position globally in ensuring that access to internet remains non-discriminatory.
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- This is especially given that many other telecom regulators including that of the US have faltered in ensuring equality in cyberspace.
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What are the shortfalls and solutions?

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- **Special Services** - A communications network connecting hospitals may rightly be classified as a specialised service.
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- The operators may have to ensure a higher grade of service for these kinds of areas compared to the mass internet.
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- TRAI has <u>excluded specialised services</u> from the purview of net neutrality but <u>without specifying what falls under this</u> category.
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- This could be a cause of concern given that the operators can exploit policy loopholes.
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- E.g. a telecom operator could enter into private deals with a healthcare mobile application provider to get unfair access to users.
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- TRAI should have set up a monitoring platform to ensure that telecom companies make adequate disclosures about such specialised services.
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- **Traffic management** - TRAI has also allowed telecom companies to carry out reasonable traffic management practices, for delivering internet traffic.

- Traffic management practices such as those used for protecting network security are legitimate, but it can also lead to discriminatory practices.
- TRAI could have specified what type of traffic management is allowed automatically, and which ones need approval.
- **Enforcement** - TRAI has failed to put in place a <u>neutral enforcement body.</u>
- The multi-stakeholder body led by industry, as proposed by TRAI, may not be enough to ensure implementation of net neutrality, exceptions and transparency measures.
- This is because the industry-led bodies have seldom protected the rights of consumers in the past.
- **Besides,** the regulations are criticised to be unnecessarily bureaucratic and not conducive for the ease of doing business.
- The Department of Telecom, while accepting the regulator's overall recommendations, should also iron out these concerns.

Source: BusinessLine