

# Digital Empowerment

## Issues in Regulation

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# Internet Access for All

- Multiple dimensions
  - Technology distribution at an affordable cost
  - Regulation that is reasonable
  - Education that enhances the usage
    - Let's focus on Regulation with special reference to India

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# Essence of the debate

- Should Internet Access be a fundamental right? Or a Civil Right?
- How does it relate to Freedom of Expression?..which is a recognized fundamental right
- How does it affect the "Reasonable Restrictions argument" for denying the fundamental right?

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# Internet For All..constitutional privilege

- Internet for all can be considered as a constitutional guarantee in India
  - As an extension of the guarantee for Freedom of Speech
    - Maneka Gandhi v. Union of India*, the Supreme Court held that the freedom of speech and expression has no geographical limitation and it carries with it the right of a citizen to gather information and to exchange thought with others not only in India but abroad also.
  - Reasonable Restrictions is also recognized

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# BBC Survey ...80% think so

Should the internet be a fundamental right?

Response	Percentage
Strongly agree	80%
Somewhat agree	20%
Somewhat disagree	10%
Strongly disagree	5%
Don't Know / No answer	5%

Source: GlobeScan/average of 26 countries, 2010

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# Netizen's Concerns

Aspects of the internet causing most concern

Aspect	Percentage
Fraud	32%
Violent and explicit content	28%
Threats to privacy	20%
State censorship of content	10%
Extent of corporate presence	5%

Source: GlobeScan/average of 26 countries, 2010

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## Mere Availability is not adequate

- For “Empowerment” of the Netizen, the “Regulatory aspects” of Internet content is also important
- What type of Internet we want?
  - An Internet rigorously controlled by Government?
  - An Internet with information that you cannot trust?
  - An Internet which is infested with Cyber Crimes?
    - Regulations become relevant in this context
      - Should be appropriate and meant to empower the society

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## We in India already have a fight on hand..

- Content regulation through “Intermediary Rules”
- Inadequate protection to privacy through “Reasonable Security Practice Rules”
- Shutting off of Cyber Judicial Process by inaction at MCIT
- Unaddressed E banking fraud threats shaking up confidence in the Indian banking systems
- Inconsistent use of available regulations
  - denied for ordinary citizens and excessive application for political reasons.

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## Tasks before us

- Building a trusted Internet information system
  - Which does not become
    - A tool of Cyber Crimes
      - Security of data and transactions on the Internet
    - a tool of oppressive regimes to curb freedom of expression
      - Due Process to be followed to take care of national interests
      - National interests should not be equated to political interests
  - A tool of privacy invasion
    - Due process to be followed to take care of exceptions

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## Whom Do we Trust?

- Governments have lost the trust of Netizens
- Business entities are also mostly distrusted
  - We trust no body but ourselves
- Hence Netizens should be at the center of this process of building a trusted Internet environment
  - With the regulatory support of Governments if they value democracy
  - With the financial support of Business if they believe in inclusive growth
    - How to balance the interests of this diverse group?

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## Netizens Need to Organize themselves

- If Netizens need to have a say in the regulations, we need to organize ourselves as “Responsible Netizens”
- If Netizens are not “Responsible” we cannot expect Governments nor the businesses to be responsible
  - We need to define
    - Who is a Netizen?
    - What are his rights?
    - What are his responsibilities?

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## How to build a Responsible Cyber Society?

- We need to develop a code of conduct
- Form a collective entity of “Responsible Netizens” that subjects itself to a Cyber Democratic set up
- Develop critical numbers so that we become a voice that cannot be ignored either by the Government or Business

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## Some Thoughts to be explored

- “Regulated Anonymity” for Privacy protection without sacrificing national security interests
- “E Banking/E Commerce Emergency Response Team” (EBCERT) to provide support for “Safe E Banking” and E Commerce in India
- Organizing Responsible Netizens through a system of virtual elections into a “Cyber Nation”
  - I propose this body to initiate actions in this regard

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## Thank You

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