



RAJEEV CHANDRASEKHAR
MEMBER OF PARLIAMENT
RAJYA SABHA

Member of Standing Committee on Urban Development
Member of Consultative Committee on Finance
Member of Parliamentary Forum on Youth
Co-Chairman, Vigilance & Monitoring Committee, Bangalore Urban District

28 September, 2012

Dear Shri Sibal,

Kindly refer to your letter D.O. No. 13(8)/2012-IG dated 21 September, 2012, in response to my letter to the Hon'ble Prime Minister dated 01 June, 2012, regarding the Government of India's proposal for setting up the United Nations Committee on Internet Related Policies (UN-CIRP). In this regard :

1. As you might have noticed from my two letters to the Hon'ble Prime Minister dated 15 May, 2012 and 01 June, 2012, I had pointed out several flaws with regards to transparency, lack of consultation and the structure of the proposed UN-CIRP. Several of these arguments have been detailed in my letters that I enclose herewith for your ready reference.
2. I welcome your view that internet governance is a complex issue that requires consultations. Equally, that the Government will continue to engage all stakeholders within the country and globally. You will notice that vast majority of my communication to you and to the Hon'ble Prime Minister underpins this requirement. Since joining office, you have held several consultations in the run up to the NTP-2012, and that has certainly helped the Government get a wider perspective and a diversity of views.
3. I have noticed from the statements that you have made with regard to internet governance in September 2012, seeking consensus and assuring the country that the Government does not intend to regulate content on the internet. With regard to your commitment that India would be pragmatic and flexible in its approach to achieve the larger objectives, such as exploiting the tremendous potential of cyber space for creating a citizen-centric and business-centric environment, accompanied by freedom of internet and free deliberations on public policy for internet governance, I request the following for your consideration:



A. UN-CIRP

It is quite clear that the proposal of UN-CIRP does not have a buy-in within the Government, leave alone businesses, civil society, academia, technical community and the youth of the country. In my discussions with your Cabinet colleagues, including the Hon'ble Prime Minister, many have expressed surprise and discontent in the manner in which this proposal was submitted. It is my understanding that even your direct involvement in the approval of such a proposal might have been as late as May 2012 – nearly seven months after the statement was first made in the UN on 26 October, 2011. Consequently, it might be best for the Government to invite written comments on the UN-CIRP proposal from all stakeholders within the next month. Let those who support it, those who seek modifications and those who oppose it, provide all inputs to the Government formally, based on which it can then prepare a preliminary view ahead of the Internet Governance Forum (IGF) Meeting to be held in Baku, Azerbaijan, from 06-09 November, 2012. Once we have a national view and some sort of consensus, then it would be much easier for us to either defend the UN-CIRP, or modify it, or seek time since we will be evolving a national consensus on the issue. Alternatively, our delegations will be put the question by international media and internet experts at Baku, and their ability to defend UN-CIRP is non-existent. Please consider this wide public consultation across all stakeholders, given the fact that this is about online governance. You may not need a face-to-face meeting – and an online consultation could well suffice the process. However, if you so desire, a face-to-face discussion may also be helpful.

B. Modification of International Telecom Regulations (ITRs) at the ITU's World Conference on International Telecommunications (WCIT) in Dubai in December 2012

The second related issue of internet governance which also impacts the freedom of internet regulation and content, issues of surveillance, takedowns and blocking, are linked to the proposed modification of ITRs in the name of cyber security that may come up at the WCIT in Dubai on 03-04 December, 2012.

While principally I am against any such modifications, it might be best to avoid a situation like the UN-CIRP, and therefore, the Government must engage all stakeholders to enlist their opinion on whether or not the treaty-based ITRs should be modified, and if so, what should be included in the same. This consultation must be done before finalizing India's position, and specifically involve stakeholders other than just the industry. This includes citizens at large, civil society, technical community, academia, and even youth who have a reasonable understanding of such issues, especially in the context of internet regulations.



As you are aware, ITR is a binding treaty, and an agreement to modify and comply with such treaties would tie the Government's hands on issues of internet regulation, costs and traffic in a significant manner. Without getting into the details or expressing my views at this stage, may I request that the Government put out its current position online, so that comments can be received either in a general format or specific to the articles of the ITU - all of which will help the Government formulate its position based on a consensus.

I also noticed that in your letter, you mentioned about the May 2012 consultation, but the consultation was with a handful of stakeholders on an invitation basis by the Department of Electronics & IT, and that too, seven months after the statement had already been made in the UN – and therefore, as you can imagine, that was perhaps of little consequence to India's position in the UN.

Your letter dated 21 September, 2012 is a good beginning of highlighting the need for engagement of all stakeholders and consultation on complex issues relating to public policy for internet governance. I not only support this stance, but will actively and constructively participate in the same. I hope you will consider the two requests made above so that India's internet ecosystem, policy makers, industry, civil society and all relevant stakeholders can immediately join the process, preferably online, to take the first step in the direction of building consensus. In the final analysis, this consultation must result in a general "buy-in" of all stakeholders – which, in policy terms, means faster implementation, less skepticism and a greater support through ideas and actions of all related stakeholders.

Yours Sincerely,

RAJEEV CHANDRASEKHAR

Shri Kapil Sibal

Hon'ble Minister of Communications & IT and HRD
Government of India
New Delhi

Encl:

1. Copy of my letter to the Hon'ble Prime Minister dated 15 May, 2012
2. Copy of my letter to the Hon'ble Prime Minister dated 01 June, 2012