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MEMBER OF PARLIAMENT
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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.

