

**From:** [karbimal@gmail.com](mailto:karbimal@gmail.com)

**To:** "Akhilesh Kumar Trivedi" <[advmn@trai.gov.in](mailto:advmn@trai.gov.in)>

**Sent:** Thursday, August 3, 2023 7:35:02 PM

**Subject:** Responses to the questions list provided by the Telecom Regulatory Authority of India (TRAI)

TO,  
The secretary.  
Telecom Regulation Authority of India  
Mahanagar Door Sanchar Bhawan,  
Jawaharlal Door Sanchar Bhawan,  
Jawaharlal Nehru Marg,  
New Delhi-1100

Sub-Responses to the question list provided by the Telecom Regulatory Authority of India (TRAI)

Respected Sir/Madam,

In response to the question list provided by the TRAI, Bimal Kar, proprietor of Kar Enterprise. The office address is 235/8/1 South Kodalia Satyan Bose swarani, New Barrackpore, kolkata700131. West Bengal is pleased to submit the requested responses. Kindly find the attached document containing the comprehensive answers to each question.

If you have any further inquiries or require additional information, please feel free to reach out to me. I remain if any clarification is needed.

Thank you for your attention to this matter, and I look forward to your review of the provided responses.

Regards,

Bimal Kar  
9830233576

Issues for consultation:

1) What should be the definition of over-the-top (OTT) services? Kindly provide a detailed response with justifications: -

Ans: - Definition -- OTTs can be content, a service, or an application that is provided to the end user bypassing cable broadcast and satellite television mechanism

directly over the public Internet using telecom infrastructure or Internet infrastructure.

Over-the-top (OTT) services or applications that use existing networks such as the Internet and cellular networks to provide viewer access to video or streaming media, voice or messages, or other types of content. OTT services are delivered "over the top" of the Internet, in most cases without a network operator being involved. Some examples of OTT services are Netflix, Amazon Prime, Disney+ Hot Star, Zee5, Sony Liv, Jio Cinema, Skype, WhatsApp, Signal, Telegram, Spotify, etc.

OTT services can be categorized into three groups: multichannel video programming distributors (MVPDs) and online video distributors (OVDs) and OTT Communication services. MVPDs are services that offer access to live streams of linear specialty channels, such as DirectTV Stream, IP TV & Other companies available across the world like FuboTV, Sling TV, Hulu + Live TV, and YouTube TV. OVDs are services that offer video programming using the Internet or other IP-based transmission path, such as Netflix, Amazon Prime Video, Disney+ Hotstart, Zee5, Sony Liv, Jio Cinema, etc.

The definition of OTT services is based on the following technical features:

- They bypass cable, broadcast, and satellite television platforms using existing licensed Internet and/or Cellular networks that have traditionally acted as controllers or distributors of such content.
- They offer a variety of content types, such as video, voice, messages, music, etc.
- They offer seamless communication services using the networks of Telecom or ISP infrastructure.

2) What could be the reasonable classification of OTT services based on an intelligible differentia? Please provide a list of the categories of OTT services based on such classification. Kindly justify a detailed response.

Ans: -

One possible way to classify OTT services is based on the type of content they offer and the mode of delivery they use.

Based on this criterion we can identify the following categories of OTT services:

- OTT video services: These are services that offer access to film and television content, either on demand or live, via the Internet. Some examples of OTT video services are Netflix, Amazon Prime Video, Disney+, Hotstart, Zee5, Sony LIV, IP TV, etc. (But the same content is provided at different price structures for CATV TV subscribers, TRAI needs to confirm a unified price structure for all the platforms either it's from OTT or CATV).
- OTT audio services: These are services that offer access to music, podcasts, radio, or other audio content, either on-demand or live audio content, via the Internet. Some examples of OTT audio services are Spotify, Apple Music, Gaana, JioSaavn, etc.

(TRAI needs to confirm a unified price structure for all the platforms whether it's from OTT or CATV).

•OTT Communication services: -- These services (VOIP) provide real-time person-to-person Telecommunication services, data transfer, messaging including voice messages, and audio-visual sharing like licensed Telecom service providers applications. But these are provided to the user as applications carried over the internet using the internet infrastructure of TSPs or ISPs.

3) What should be the definition of OTT communication services? Please provide a list of features that may comprehensively characterize OTT communication services. Kindly justify a detailed response.

Ans: -

OTT communication services are services that provide real-time Internet person-to-person telecommunication services over the internet, bypassing the regulatory mechanism of traditional network operators, but using their internet infrastructure. Some popular examples of these WhatsApp messaging platforms like WhatsApp, Telegram, Duo, Google Meet, Signal, etc. using internet protocol to transfer data packets independently using different layers, and these features that may comprehensively characterize OTT communication services.

4) What could be the reasonable classification of OTT communication services based on an intelligible differentia? Please provide a list of the categories of OTT communication services based on such classification. Kindly justify a detailed response.

Ans: Classification of OTT Communication services---

a) They use the internet protocol (IP), with different layers to transmit data packets, instead of licensed formally dedicated phone lines or cellular networks such as WhatsApp, Signal, Telegram, Google Meet, Duo, etc.

b) They are independent of the underlying network service provider and do not require any contractual or regulatory relationship with them.

c) They offer value-added services such as voice and video calls, text and multimedia messages, group chats, file sharing, social media integration, etc. even with end-to-end encryption.

d) They are accessible via various devices such as smartphones, tablets, computers, smart TVs, etc. that have internet connectivity and compatible applications.

They are required to be regulated differently from the traditional licensed Telecom and/or ISP network operators, depending on the jurisdiction and the type of service they provide.

According to the European Electronic Communications Code (EECC), OTT communications services are defined as so-called number-independent interpersonal communications services which in turn represent a subgroup of interpersonal and, thus, also electronic communications services. The United States Federal Communications Commission (FCC) categorizes OTT services into two groups: multichannel video programming distributors (MVPDs); and online video distributors (OVDs). OTT communication services must be distinguished from content-related services. They are characterized by: Data transmission via the Internet, Number-independence, Interactive and interpersonal communication, and Communication between a finite number of people.

5) Please provide your views on the following aspects of OTT communication services vis-à-vis licensed telecommunication services in India:

(a) regulatory aspects;

(b) economic aspects;

(c) security aspects;

(d) privacy aspects;

(e) safety aspects;

(f) quality of service aspects;

(g) consumer grievance redressal aspects; and

(h) any other aspects (please specify).

Kindly justify a detailed response.

Ans: -

The fundamental difference between the OTT service providers and the TSPs is in the ownership of the network, and the concomitant responsibilities for maintaining and upgrading that network to meet quality of service (QoS) standards.

The Department of Telecommunications (DoT), vide a reference letter dated 3rd March 2016, sought the recommendations of the Telecom Regulatory Authority of India (the Authority) on Net Neutrality and other related aspects such as economic, security and privacy issues, and regulatory framework for OTT services similar to services provided by Telecom Service Providers (TSPs), etc.

COAI has said that OTTs providing telecom services similar to Telcos such as voice/video calling and messaging within the meaning of telecom bill should be defined clearly, and the same regulatory and security obligations to be met by them as done by TSPs for providing similar services.

a) The Telecom Regulatory Authority of India (TRAI) has released a Consultation Paper on the Regulatory Framework for Over-the-Top (OTT) Communication Services (OTT-CP). The OTT-CP is the latest in a series of pre-regulatory initiatives of TRAI about OTT services since 2015. The Cellular Operators Association of India (COAI) has urged the government to bring over-the-top (OTT) service providers such as WhatsApp under the licensing regime and defer net neutrality rules on telecom

operators till the time same service, same rules are applied to the applications. COAI has also made a strong pitch for OTT communication services to directly compensate Telcos for data traffic they are driving onto the networks, as it advocated a licensing and light-touch regulation framework for such services. The proposal suggests that OTT communication services in India should acquire a license and comply with the same set of rules governing telecom players. These rules encompass various aspects such as quality of service and security measures.

Accordingly, TRAI should regulate OTT services like Disney Hotstart, Zee5, Sony Liv, and JioCinema for liner channels to be telecast under the DAS regime and OTT providers should follow the same rules as the Ike DAS for the CATV system.

b) OTT communication services are not presently regulated by the Ministry of Communications in India and do not contribute to the exchequer in the form of taxes, levies, license fees, etc. as they are not presently regulated by the Ministry of Communications. The Cellular Operators Association of India (COAI) has urged the government to bring over-the-top (OTT) service providers such as WhatsApp, Disney Hotstart, Zee5, Sony Liv, and Jio Cinema under the licensing regime and defer net neutrality rules on telecom operators till the time 'same service, same rules' are applied on the applications. COAI has also made a strong pitch for OTT communication services to directly compensate Telcos for data traffic they are driving onto the networks. Accordingly, Hotstar should regulate OTT services like Disney Hotstart, Zee5, Sony Liv, and Jio Cinema for the liner channel to be telecast under the DAS regime and OTT providers provider should follow the same rules as DAS for the CATV system.

c) The Cellular Operators Association of India (COAI) has urged the government to bring over-the-top (OTT) service providers such as WhatsApp under the licensing regime and defer net neutrality rules on telecom operators till the time 'same service, same rules' are applied on the applications. However, as per BIF, OTT services, including OTT communication services, are differentiated and can be distinguished from the definition of telegraph as provided in the Telegraph Act. "Thus, licensing under Indian Telegraph Act or its replacement does not apply to OTTs. Serious security concerns are there as OTT services are not regulated to date. All regulatory measures which apply to the licensed Telecom services and ISPs must be applied to the OTT platforms.

d) The Telecom Regulatory Authority of India (TRAI) has sought recommendations on Net Neutrality and other related aspects such as economic, security, and privacy issues, and regulatory framework for OTT services similar to services provided by Telecom Service Providers (TSPs), etc. According to the TRAI, OTT services, including OTT communication services, are differentiated and can be distinguished from the definition of the telegraph as provided in the Telegraph Act. "Thus, licensing under Indian Telegraph Act or its replacement does not apply to OTTs, it should be implemented as per CATV Act under the DAS regime and should be common pricing for all available platforms. However, the Cellular Operators Association of India (COAI) has urged the government to bring over-the-top (OTT) service providers such as WhatsApp Disney Hotstar, Zee5, Sony Liv, and Jio Cinema for liner channels to be telecast under the DAS regime and OTT provider should follow the same rules as like DAS for CATV system under the licensing regime and defer net neutrality rules on telecom operators till the time 'same service, same rules are applied on the applications

e) OTT communication services are not considered as telecom services in India and are differentiated from the definition of telegraph as provided in the Telegraph Act. The fundamental difference between the OTT service providers and the TSPs is in the ownership of the network, and the concomitant responsibilities for maintaining and upgrading that network to meet quality of service (QoS) standards. The Cellular Operators Association of India (COAI) has urged the government to bring over-the-top (OTT) service providers such as WhatsApp, Disney Hotstar, Zee5, Sony Liv, Jio Cinema under the licensing regime and defer net neutrality rules on telecom operators till the time 'same service, same rules' are applied on the applications and similarly, we also demanding the same policy to be applicable for OTT along with unified pricing for all platforms for linear TV channels.

f) OTT communication services are not licensed telecommunication services in India. According to the Telecom Regulatory Authority of India (TRAI), OTT services are defined as applications and services that are accessible over the Internet and deliver audio, video, and other media content. They are not licensed under the Indian Telegraph Act or its replacement but we are demanding TRAI to regulate it under the Indian Telegraph Act. The quality of service (QoS) for OTT communication services is not regulated by TRAI. However, TRAI has issued recommendations on net neutrality and other related aspects such as economic, security, and privacy issues, and regulatory framework for OTT services similar to services provided by Telecom Service Providers (TSPs). We agree with the TRAI recommendation.

g) The new guidelines issued by the government of India require OTT platforms to have a self-regulating body, headed by a retired Supreme Court or High Court judge or very eminent person in this category. The guidelines also mandate that there should be a grievance redressal system in OTT platforms and digital portals. OTT platforms are required to appoint a Grievance Redressal Officer based in India who shall be responsible for the redressal of grievances received by it. The officer shall decide on every grievance received by it within 15 days which we are agreed with the same recommendation.

6) Whether there is a need to bring OTT communication services under any licensing/regulatory framework to promote a competitive landscape for the benefit of consumers and service innovation? Kindly justify a detailed response.

Ans: -

The telecom service providers, under the aegis of COAI, have been pushing for OTT communication services to be brought under regulation. COAI has been proposing 'same service same rules' for OTT communication services and Telcos, to ensure a level playing field. We also suggest OTT Communication services such as WhatsApp, Telegram gram, Google Meet, Duo, etc. be regulated by licensed telecom operators and OTT television channel broadcasts such as Disney Hotstar, Zee5, Sony Liv, Amazon Prime Gram, Jio Cinema 3rd party OTT services for linear channel to be telecast under the DAS regime and OTT provider should follow the same rules as for CATV system, Live Tv should be the same price for OTT platform as well as Cable Tv platform.

7) In case it is decided to bring OTT communication services under a licensing/ regulatory framework, what licensing/ regulatory framework(s) would be appropriate for the various classes of OTT communication services as envisaged in question number 4 above? Specifically, what should be the provisions in the licensing/ regulatory framework(s) for OTT Communication services in respect of the following aspects:

- (a) lawful interception;
- (b) privacy and security;
- (c) emergency services;
- (d) unsolicited commercial communication;
- (e) customer verification;
- (f) quality of service;
- (g) consumer grievance redressal;
- (h) eligibility conditions;
- (i) financial conditions (such as application processing fee, entry fee, license fee, bank guarantees, etc.); and
- (j) any other aspects (please specify).

Ans:-

a) The Telecom Regulatory Authority of India (TRAI) published a consultation paper on 12 November 2018 for the creation of a regulatory framework for over-the-top (OTT) communication services. The paper raised various issues for comments and counter-comments from stakeholders. Licensing OTT service providers as communications service providers (CSPs) enables them to have proper interconnection with other service providers and those must be put under licensing regime like any other Telecom service providers in India at the same time ensure QoS to the end customer was one of the recommendations, we also recommending all OTTs which broadcast Tv entertainment contents such as Amazon, Netflix, Disney Hotstar, Zee5, Sony Liv, Jio Cinema, etc. should be under the TRAI DAS regime regulation and liner TV channel pricing should be unified for all platforms.

b) As of now, there is no specific regulatory framework for OTT communication services in India. The Telecom Regulatory Authority of India (TRAI) has issued several consultation papers on this issue since 2015 but has not made any final recommendations or regulations. However, one of the recommendations made by TRAI is to license OTT service providers as communications service providers (CSPs) enabling them to have proper interconnection with other service providers and at the same time ensure QoS to the end customer. We strongly recommend privacy and security suggestive rules in India, the licensing/regulatory framework(s) for OTT Communication services should have provisions for the following aspects:

- 1)Data protection.
- 2)Privacy Security of networks and systems.
- 3) Lawful Interception and monitoring of communications and access to data.
- 4)Consumer protection.

C) OTT stands for Over-The-Top. It bypasses the traditional operator's network to deliver audio, video, and other media over the Internet. They do not have any technology affiliations with network operators for providing such services. As per the TRAI consultation paper on "Regulatory Framework for Over-the-top (OTT) Communication Services" dated 12th November 2018, the following are the various classes of OTT communication services:

- Messaging Services
- Voice Call Services
- Video Call Services
- Audio Streaming Services
- Video Streaming Services

The consultation paper also mentions that the regulatory framework for OTT communication services should be designed in such a way that it does not hamper innovation and growth of the sector. It should also ensure that there is no discrimination between TSPs and OTT service providers. Regarding emergency services, OTT communication services should be required to provide access to emergency services. The regulatory framework should also ensure that OTT communication services are interoperable with emergency services provided by TSPs.

d) As of now, there is no specific regulatory framework for OTT communication services in India. The Telecom Regulatory Authority of India (TRAI) has issued several consultation papers on this issue since 2015 but has not made any final recommendations or regulations. However, TRAI has considered two possibilities: Licensing OTT service providers as communications service providers (CSPs) enabling them to have proper interconnection with other service providers and at the same time ensure QoS to the end customer. We are not sure about the provisions in the licensing/ regulatory framework(s) for OTT Communication services in respect of the following aspects for unsolicited commercial communication recommended policy proposal in India. We strongly ur the TRAI to implement an "unsolicited commercial communication control policy proposal in India"

e) The Telecom Regulatory Authority of India (TRAI) has considered two possibilities for regulating OTT services in India. One is licensing OTT service providers as communications service providers (CSPs) enabling them to have proper interconnection with other service providers and at the same time ensure QoS to the end customer but we recommend creating a regulatory framework that is distinct from the existing licensing regime for telecom service providers (TSPs) but still provides for some form of regulation.

f) OTT communication services are not licensed communication sub-service in India. According to the Telecom Regulatory Authority of India (TRAI), OTT services are defined as applications and services that are accessible over the Internet and deliver audio, video, and other media content. They are not licensed under the Indian Telegraph Act or its replacement but we

are demanding TRAI to regulate it under the Indian Telegraph Act. The quality of service (QoS) for OTT communication services is not regulated by TRAI. However, TRAI has issued recommendations on net neutrality and other related aspects such as economic, security, and privacy issues, and regulatory framework for OTT services similar to services provided by Telecom Service Providers (TSPs). We are agreed with The RAI recommendation

g) The new guidelines issued by the government of India require OTT platforms to have a self-regulating body, headed by a retired Supreme Court or High Court judge or very eminent person in this category. The guidelines also mandate that there should be a grievance redressal system in OTT platforms and digital portals. OTT platforms are required to appoint a Grievance Redressal Officer based in India who shall be responsible for the redressal of grievances received by it. The officer shall decide on every grievance received by it within 15 days and we are also recommended the same.

h) The Telecom Regulatory Authority of India (TRAI) has considered two possibilities for regulating OTT services in India. One is licensing OTT service providers as communications service providers (CSPs) enabling them to have proper interconnection with other service providers and at the same time ensure QoS to the end customer. The other is to regulate OTT services through a self-regulatory framework. The draft Telecommunication Bill, 2022 proposes that OTT telecommunication services may be subject to the same licensing conditions as TSPs. Under the extant framework, TSPs have to be issued the Unified Access Service License (UASL) for them to be able to provide telecom services in India. We also recommend the same unified regulation for Amazon, Netflix, Disney Hotstar, Zee5, Sony Liv, and Jio Cinema 3rd party OTT services for linear channels to be telecast under the DAS regime and OTT providers must follow the same rules as for CATV system, Live Tv should be the same price for OTT platform as well as Cable Tv platform.

All the OTT platforms operating in Indian networks or which are accessible in India must place their total technical systems such as servers and other accessories required to operate and control the service must be put in Indian territory under Indian jurisdiction to be eligible to make their services operational in India.

i) The Telecom Regulatory Authority of India (TRAI) has been considering the regulation of OTT services in India since 2015. According to TRAI, the aim of OTT regulation should be to restore regulatory balance. TRAI considered two possibilities: Licensing OTT service providers as communications service providers (CSPs) enabling them to have proper interconnection with other service providers and at the same time ensure QoS to the end customer. In 2018, TRAI issued a consultation paper on the residual issue, i.e., Regulatory Framework for Over-the-top (OTT) communication services, and raised various issues for comments and counter-comments from stakeholders. The draft Telecommunication Bill, 2022 proposes that OTT telecommunication services may be subject to the same licensing conditions as TSPs. Under the current framework, TSPs have to be issued the Unified Access Service License (UASL) for them to be able to provide telecom services in India. We strongly recommend the draft Telecommunication Bill, 2022 be implemented as soon as possible.

These OTTs must be put under the same system as for formally licensed telecom players where all fees necessary to be paid in India to be able to run their show. Moreover, all entertainment content and television channels must be put at par just like any fees levied with the linear channels currently broadcast in Indian cable tv systems.

8) Whether there is a need for a collaborative framework between OTT communication service providers and the licensed telecommunication service providers? If yes, what should be the provisions of such a collaborative framework? Kindly provide a detailed response with justification.

Ans: -

Yes, the collaborative framework is required for OTT communication services because, for example, a user tries to call a person via WhatsApp or who (supposed to be the receiver) has a key keypad pad lace mobile phone which cannot be downloaded with WhatsApp or messenger then the caller will not be able to connect and complete the call. If the collaborative framework exists the caller can connect the man irrespective of the network or device the supposed to be receiver uses without any hiccup.

For OTT Communication services providers provisions should be applied as similar as it applies to the collaborative framework currently in place for the currently licensed formal telecom service providers.

We strongly recommend policy should be uniform for all platforms. For OTT Communication service providers, the policy is to be followed as per with currently licensed telecom service providers, and for OTT channel broadcasters it must be as per DAS regime and CATV present policy manner.

9) What potential challenges could arise from the collaborative framework between OTT communication service providers and licensed telecommunication service providers? How will it impact the aspects of net neutrality, consumer access, consumer choice, etc.? What measures can be taken to address such challenges? Kindly provide a detailed response with justification.

Ans: -

The practical challenge in applying the test is that there are several instances where OTTs are providing multiple services, thereby resulting in multiple functionalities which may or may not be substitutable to the services provided by a TSP, making it difficult to identify or isolate the core functionality and ancillary functions of OTTs. The Broadband India Forum has said that concerns raised over a lack of a level-playing field for telecom service providers and OTT communication services overlook the fact that OTTs cannot acquire spectrum, own network, control infrastructure access, and instead interconnect using a public network.

Young age consumers will prefer to use OTT communication instead of using current telecom network services because take the example of WhatsApp where one can call another number, can send single as well as group messages, can send photos, viand does to single user as well as group, can send broadcast messages to Multiple users at one go. It is too versatile in comparison with currently licensed telecom service providers providing services. These challenges can be tackled with well-thought-out formula and with a proper well-laid mechanism.

For OTTs like Disney, Amazon, Netflix, Hotstar, Zee5, Sony Liv, Jio Cinema, etc., pricing and regulations to be followed should be common for all platforms, and uniform policy regarding piracy and customer pricing.

10) What are the technical challenges in the selective banning of specific OTT services and websites in specific regions of the country for a specific period? Please elaborate on your response and suggest technical solutions to mitigate the challenges.

Ans:-

According to a consultation paper by the Indian government, there are several technical challenges in region-wise selective banning of specific OTT services and websites for a specific period. The paper has asked stakeholders about possible technical challenges in the selective banning of specific OTT services. Developing a regulatory framework for the selective banning of OTT services under the Suspension Rules is one of the challenges. Another challenge is the classes of OTT services that would be covered under selective banning. The need to ban any specific websites apart from the OTT services is also a challenge.

OTT services hosted on the cloud are difficult to ban selectively since they operate from multiple locations in multiple countries and continuously shift from one service to the other. Websites operating with fixed URLs can be banned easily. Keeping in mind the basic need for financial services, health, education, and the essential other services if any system mechanism can ban selectively other activities of OTTs like Facebook, YouTube, WhatsApp, Tergum, Instagram, etc. That will be a great relief for mankind. I think Indians felt that need considerably during the Abrogation of Article 370 in Kashmir and very recently in the Manipur crisis.

For OTT Communication services checks and balances of policy, proper technology adaptation, and their proper initiation and implementation must be applied. In those cases, political ramifications rather than technical issues must be kept in mind while implementation, if we take the latest experience of the situation that arose when Article 370 was abrogated in Kashmir and recently the Manipur crisis.

We recommend DAS regime policy should be implemented in OTT tv entertainment services.

11) Whether there is a need to put in place a regulatory framework for the selective banning of OTT services under the Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017, or any other law, in force? Please justify a detailed response.

Ans: -

OTT services hosted on the cloud are difficult to ban selectively since they operate from multiple locations in multiple countries and continuously shift from one service to the other. Websites operating with fixed URLs can be banned easily. Keeping in mind the basic need for financial services, health, education, and the essential other services if any system mechanism is able to ban selectively other activities of OTTs like Facebook, YouTube, WhatsApp, Teg ram, Instagram, etc. That will be a great relief for mankind. I think Indians felt that need considerably during the Abrogation of Article 370 in Kashmir and very recently in the Manipur crisis.

For OTT Communication services checks and balances of policy, proper technology adaptation, and their proper initiation and implementation must be applied. In those cases, political ramifications rather than technical issues must be kept in mind while implementation, if we take the latest experience of the situation that arose when Article 370 was abrogated in Kashmir and recently the Manipur crisis.

12) In case it is decided to put in place a regulatory framework for selective banning of OTT services in the country --  
 (a) Which class(es) of OTT services should be covered under the selective banning of OTT services? Please provide a detailed response with justification and illustrations.  
 (b) What should be the provisions and mechanism for such a regulatory framework? Kindly justify a detailed response.

Ans: -

a) The OTT services by which one can connect or communicate with a large number of people at a time by way of sending messages, videos, pictures, audio, flash messages, and /or in the form of broadcast messages such as WhatsApp, Telegram, Signal, Facebook, Messenger, YouTube and /or other OTT Apps must be put under selective banning system in case of emergency.

b) In India I think ample legal provisions are present there to tackle this hurdle. Way of Technological mechanism to make the regulatory policy implemented is necessary to explore.

13) Whether there is a need to selectively ban specific websites apart from OTT services to meet the purposes? If yes, which class(es) of websites should be included for this purpose? Kindly justify a detailed response.

Ans: --

In the cases of emergency in any region in India, any type of shutdown or selective banning of internet service as a whole or partly can have significant ramifications for the economy of the region as well as for the country as it disrupts financial services such as banks, e-commerce industry, various service industries, health care services, educational services, jobs, etc. So, for these reasons, selective banning of specifically selected OTTs, websites that may be used by terrorists, anti-national and stateless elements to spread trouble, and spreading rumors in the particular region is preferable rather than a total

internet ban to mitigate the nefarious design of anarchist or trouble makers.

14) Are there any other relevant issues or suggestions related to regulatory mechanisms for OTT communication services, and selective banning of OTT services? Please provide a detailed explanation and justification for any such concerns or suggestions.

Ans: -

As of now, there is no specific regulatory framework for OTT communication services in India. TRAI has issued several consultation papers on this issue since 2015 but has not made any final recommendations or regulations. The regulator has commenced the process to frame a regulatory mechanism for OTT communication apps such as WhatsApp, Telegram, YouTube, Messenger, and Instagram and content broadcasting apps such as Disney Hotstar, Zee5, Sony Liv, Jio Cinema, Amazon Prime, Netflix, etc. The regulator will also deliberate on the selective banning of OTT services if necessary for particular purposes.

The OTT communication apps should be placed under the regulatory regime as per the same which is applicable for the currently licensed telecom service providers.

The OTT apps broadcasting entertainment content in parallel over the linear tv channels must be controlled and placed in the pricing mechanism which the linear cable tv channels are compelled to abide by as of now