

From: nchsebpl@gmail.com

To: "Akhilesh Kumar Trivedi" <advmn@traf.gov.in>

Cc: traibhopal@gmail.com

Sent: Tuesday, August 1, 2023 1:29:37 PM

Subject: Comments on Consultation paper on Regulatory Mechanism for Over The Top (OTT) Communication Services and selective Banning of OTT services.

To,
Shri Akhilesh Kumar Trivedi
Advisor
TRAI, New Delhi

Ref:- Our registration no TRAI/CAG/11/2013/CA dated 17th April, 2023.

Dear Sir,

NCHSE has the following comments to offer on the above cited subject for consideration:

Q1. What should be the definition of over-the-top (OTT) services? Kindly provide a detailed response with justification.

Ans. The definition of OTT given by the CTO as well as & BEREK should be acceptable because it is available to public all the time and any where using internet or taking internet services. The definition of OTT is given bellow:

‘OTT can be content a service of an application that is provided to the end users over the public internet’

Q2. 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 provide a detailed response with justification.

Ans. There could be two classification of OTT one pertains to communication services and other application services and the OTT services included in that are given below:

<u>Communication services</u>	<u>Application services</u>
These are similar to services provider by the TSPs like data, video, news, cultural, etc.	Gaming, trade and commerce services, technical services, social media like face book, YouTube, whatsapp etc.

Q3. What should be the definition of OTT communication services? Please provide a list of features which may comprehensively characterize OTT communication services. Kindly provide a detailed response with justification.

Ans. In brooder sense all online services should be regarded as OTT communication services which includes face book WhatsApp, Telegram services as well as social media, e-commerce.

Q4. 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 provide a detailed response with justification.

Ans. It is difficult to classily the OTT & Communication services but mainly it can be communication services provided by the TSPs and communication services provided by the non-TSPs platform.

Q5. 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 provide a detailed response with justification.

Ans. At Present OTT communication services providers offer voice call, messaging and video call services similar to the services provided by the TSPs, but they do not require to have license for that, therefore

(a) It is suggested that OTT communication services must be covered under regulatory aspects just like TSPs are covered under India Telegram Act.

(b) From the economic aspects points view it is suggested that some system should be developed, so that OTT communication service providers must be charged, and the revenue so collected should be distributed to TSPs using their internet infrastructure.

(c) to (g) What are the regulations/ systems on different aspects are applicable to TSPs, the same should be applicable to OTT communication services. There must also be a provision that is future whatever the measures and instructions/ regulations are issued in connection with security, privacy and safety of data/ information may be applicable to OTT communication services also. To sum up the OTT communication services should be covered under Indian Telegraph Act as well as under D.O.T.

Q6. 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 provide a detailed response with justification.

Ans. Yes, there is greater need in the present scenario that OTT communication services should be covered under licensing/ regulatory frame work for fair competition for consumers, specially.

Q7. 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 the 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). Kindly provide a detailed response in respect of each class of OTT communication services with justification.

Ans. Information Technology Act.2002 rules must be application to OTT commercial service providers on each aspects given under question 7. International Telecommunications Union Recommendations may also be kept in mind while finalizing the regulatory frame work for OTT communication services.

Q8. 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. The ITU's 2019 has given detailed framework between OTT communication service providers and licensed telecommunication service providers (TSPs) that should be kept under consideration while finalising the collaborative framework between two.

Q9. What could be the potential challenges arising out of the collaborative framework between OTT communication service providers and the licensed telecommunication service providers? How will it impact the aspects of net neutrality, consumer access and consumer choice etc.? What measures can be taken to address such challenges? Kindly provide a detailed response with justification.

Ans. There could be challenges arising out of the collaborative frame work between OTT communication service providers and the licensed telecommunication services providers and this will affect the aspects of net neutrality To overcome this challenge, there should be a set guidelines for both the providers and TRAI

may issue instructions which will be adhered by both. For issuing instructions, there must be a clause of punishment also.

Q10. What are the technical challenges in selective banning of specific OTT services and websites in specific regions of the country for a specific period? Please elaborate your response and suggest technical solutions to mitigate the challenges.

Ans. The Problem of selective banning of specific OTT services and websites in a particular region or area as a whole is that they are operate from multiple locations in multiple countries and if they are brought under one or two network, will solve the problem. Since OTT services are being provided to public through some TSPs network, it will be possible to ban and in that case OTT service provider should be brought under regulation.

Q11. Whether there is a need to put in place a regulatory framework for 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 provide a detailed response with justification.

Ans. Initially when the OTT services started in India, they were free to and without any regulations. Now the situation has changed and these services must be brought under regulation. With regard to selective banning of OTT services the present Telecom Services Rules, 2017 is sufficient. We don't think that at present these services should be brought under some other law/rules/Act.

Q12 . 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 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 provide a detailed response with justification.

Ans. (a) All OTT applications and website likely to be used by the terrorists or anti national elements should be banned except education and health care.

(b) No. comment

Q13 . 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 provide a detailed response with justification

Ans. No, comment.

Q14 . Are there any other relevant issues or suggestions related to regulatory mechanism for OTT communication services, and selective banning of OTT services? Please provide a detailed explanation and justification for any such concerns or suggestions.

Ans. Now a days social media has play a major role in the society and often some incident in one part of country is being displayed to other part very fast with other side of angle and disrupting the normal life, which should also be covered under ban. This is important for internal security/ peace.

With regards,

R. Chandra

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