

**GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS**

**LOK SABHA  
UNSTARRED QUESTION NO. 403  
TO BE ANSWERED ON 12<sup>th</sup> DECEMBER, 2018**

**OVER-THE-TOP SERVICE**

403. DR. SHRIKANT EKNATH SHINDE:  
SHRI VINAYAK BHAURAO RAUT:  
DR. PRITAM GOPINATH MUNDE:  
SHRI KUNWAR PUSHPENDRA SINGH CHANDEL:  
SHRI DHARMENDRA YADAV:  
SHRI SHRIRANG APPA BARNE:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) the details of the Over-The-Top (OTT) communication service in the country;
- (b) whether lawful interception of Over-The-Top (OTT) communication service is required in the interest of national security, if so, the facts thereof;
- (c) whether there are no statistics available in the public domain about the effectiveness of mechanism adopted by communication service providers to deal with the cases of multiple complaints against same number, if so, the facts thereof;
- (d) whether telcos have sought regulatory framework for OTT players;
- (e) if so, the details and the reasons therefor;
- (f) whether the Telephone Regulatory Authority of India (TRAI) has issued another consultation paper as issued three years back to seek views on regulatory framework for OTT players;
- (g) if so, the response of OTT players thereon; and
- (h) the time by when a final decision is likely to be taken in this regard?

ANSWER

**THE MINISTER OF STATE (IC) OF THE MINISTRY OF COMMUNICATIONS &  
MINISTER OF STATE IN THE MINISTRY OF RAILWAYS  
(SHRI MANOJ SINHA)**

(a) As per the Consultation Paper on 'Regulatory Framework for OTT Services' released by Telecom Regulatory Authority of India (TRAI) in 2015, Over-The-Top (OTT) provider is a service provider which offers Information and Communication Technology

(ICT) services, but neither operates a network nor leases network capacity from a network operator. There are basically three types of OTT services:

- Messaging and voice services (communication services);
- Application ecosystems (mainly non-real time), linked to social networks, e-commerce;
- Video / audio content.

OTT communication services provide real time telecommunication services using the network infrastructure of the Telecom Service Provider (TSP).

(b) The lawful interception of message (including OTT messages) passing through the network of TSPs is required in the interest of national security as guided by Section 5(2) of Indian Telegraph Act, 1885.

(c) There are no such statistics available in the public domain. There is no such category available in Centralized Public Grievance Redress And Monitoring System (CPGRAMS) portal of Government of India.

(d) & (e) In 2014, Cellular Operators Association of India (COAI) had raised the issue of regulatory imbalance between TSPs and OTT players who are providing same or similar services as that of TSPs. The reasons for their concern were that the TSPs are being subjected to several regulatory and licensing conditions, including payment of Licence fee, revenue share etc. and that the OTT players by providing the same or similar services using their network without any regulatory obligations and at the same time this is impacting their revenue.

(f) TRAI has issued the Consultation Paper on 'Regulatory Framework for Over-The-Top (OTT) Communication Service' on 12th November, 2018. It is not the same as the Consultation Paper issued on 27th March, 2015. The present consultation discusses only the issue of imbalance between TSPs and OTT players providing services that can be regarded as same or similar to services offered by TSPs and issues relating to economic aspects of such OTT services. On the other hand, the Consultation Paper of 2015 focused on possible regulatory and licensing framework for OTT services along with related safety, security and privacy concerns in addition to net neutrality issues.

(g) The last date for submitting the comments and counter comments of stakeholders is 10th December, 2018 and 24th December, 2018 respectively. Comments and counter comments will be published on TRAI website [www.traigov.in](http://www.traigov.in).

(h) No time limit has been fixed by TRAI so far for finalizing its recommendations to Department of Telecommunications (DoT) on the above.

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