

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

**LOK SABHA
UNSTARRED QUESTION NO. 670
TO BE ANSWERED ON 16TH SEPTEMBER, 2020**

REGULATION OF OTT

670. SHRI VELUSAMY P.:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether the Telecom Regulatory Authority of India (TRAI) is working on a set of recommendations for the Department of Telecommunications (D O T) to regulate the Over the Top (OTT) service providers;
- (b) if so, the details thereof;
- (c) whether the Government has any tool to intercept WhatsApp and other social media communications sent or received through their platforms and if so, the details thereof; and
- (d) whether the Government is having any proposal to bring out a comprehensive legislation for regulation of OTT service providers?

ANSWER

**MINISTER OF STATE FOR COMMUNICATIONS, EDUCATION AND
ELECTRONICS & INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)**

(a) & (b) Telecom Regulatory Authority of India (TRAI) had issued a Consultation Paper regarding 'Regulatory Framework for Over-the-Top (OTT) Communication Service' on 12th November, 2018. After publication of comments and counter comments received on the Consultation Paper, TRAI held two Open House Discussions (OHD) for the stakeholders to submit their comments. The recommendations in the matter are released on 14th September, 2020. They are as follows:

i) No regulatory interventions are required in respect of issues related with privacy and security of OTT services at the moment.

ii) It is not an opportune moment to recommend a comprehensive regulatory framework for various aspects of services referred to as OTT services, beyond the extant laws and regulations prescribed presently. The matter may be looked into afresh when more clarity emerges in international jurisdictions particularly the study undertaken by ITU.

(c) On arising of the situations mentioned in section 5(2) of Indian Telegraph Act 1885, the Government may order interception of messages in line with the provisions under Rule 419A of Indian Telegraph Rules 1951. The suitable mechanism to implement the order of interception of messages is deployed from time to time.

WhatsApp and many other social media applications make use of encryption technology and proprietary authentication protocols to secure messages. Security agencies are able to intercept these encrypted communication services under the provisions of law through the lawful interception facilities. But they are not able to decrypt some of encrypted intercepted communication to readable format as there are various aspects involved in getting such encrypted communication in readable format. These aspects include technical, international relationship, legal and regulatory policy, commercial and security requirements etc.

The Government regularly interacts with the stakeholders including social media providers to address the issues and implement the solution to resolve the issues arising from time to time keeping in view the security, services and developmental needs of the country.

(d) In view of (a) & (b) above, there is no proposal regarding legislation for regulation of OTT service providers at present.
