

PLENARY MEETING

Document 21-E
3 November 2012
Original: English

India (Republic of)

PROPOSALS FOR THE WORK OF THE CONFERENCE

Introduction

We recognise and appreciate the efforts of International Telecommunication Union in preparing the Draft on proposed ITRs for WCIT 2012.

The attached proposal is developed through a consultation process involving various stakeholder groups, both, in Indian Public and Private sectors. Due consideration has been given to the existing legislations and government policies in the preparation of this proposal. We acknowledge that since 1988, there have been significant changes and challenges in Telecommunications / ICTs in terms of Technological breakthroughs, New Services and Market Structure. Acknowledging this fact, India's proposal is offered in the form of addition (ADD) or modification (MOD) only on some of the relevant proposals, by giving reference to the appropriate CWG/4/XXX number mentioned in the Annex 2 of the ITU Document 4(Add.2)-E. Considering the magnitude of issues in International Telecommunications, India may take appropriate stand on other provisions of the draft ITR document during the WCIT discussions.

Further, the proposals from different regions to the conference as well as its preparatory process were carefully studied. In order to help the conference achieve a consensus on the various issues being discussed, the content of this proposal has been largely drawn from the output of the Council Working Group on WCIT (WCIT/4 Add.2 "Draft of the future ITRs").

A new proposal on *5A: Confidence and Security of Telecommunications/ICTs* is also included as India believes that an international framework on Security is of importance in today's connected world.

INTERNATIONAL TELECOMMUNICATION REGULATIONS

PREAMBLE

MOD IND/21/1

1 While the sovereign right of each Member State to regulate its telecommunications is fully recognized, the provisions of the present International Telecommunication Regulations (hereinafter "Regulations") complement the Constitution and Convention of the International Telecommunication Union, with a view to attaining the purposes of the International Telecommunication Union in promoting the development of telecommunication services and their most efficient operation while harmonizing the development of facilities for world-wide telecommunications.

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Reasons: This Proposal is based on [CWG/4A2/3](#).

ARTICLE 1

Purpose and Scope of the Regulations

ADD IND/21/2

3A c) These Regulations recognize that Member States should endeavour to take the necessary measures to prevent interruptions of services and ensure that no harm is caused by their operating agencies to the operating agencies of other Member States which are operating in accordance with the provisions of these Regulations.

Reasons: This Proposal is based on [CWG/4A2/12](#).

ADD IND/21/3

3B d) These Regulations recognize the absolute priority for safety of life telecommunications, including distress telecommunications, emergency telecommunications services and telecommunications for disaster relief as provided in Article.

Reasons: This Proposal is based on [CWG/4A2/14](#).

ARTICLE 2

Definitions

ADD IND/21/4

14A 2.1A *Telecommunication/ICT*: Any transmission, emission or reception, including processing, of signs, signals, writing, images and sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems, having a bearing on Telecommunication Technologies and Services.

Reasons: This Proposal is based on [CWG/4A2/48](#).

ADD IND/21/5

27A 2.11 *Transit rate*: a rate set by the point of transit in a third country (indirect relation).

Reasons: This Proposal is based on [CWG/4A2/74](#).

ADD IND/21/6

27C 2.13 *Spam*: information transmitted over telecommunication networks as text, sound, image, tangible data used in a man-machine interface bearing advertising nature or having no meaningful message, simultaneously or during a short period of time, to a large number of particular addressees without prior consent of the addressee (recipient) to receive this information or information of this nature.

Reasons: This Proposal is based on [CWG/4A2/78](#).

ADD IND/21/7

27D 2.14 *Hub*: a transit center (or network operator) that offers to other operators a telecommunication traffic termination service to nominated destinations contained in the offer.

Reasons: This Proposal is based on [CWG/4A2/80](#).

ADD IND/21/8

27E 2.15 *Hubbing*: the routing of telecommunication traffic in hubbing mode consists in the use of hub facilities to terminate telecommunication traffic to other destinations.

Reasons: This Proposal is based on [CWG/4A2/82](#).

ADD IND/21/9

27F 2.16 *Network fraud*: (fraud on international telecommunication networks): The causing of harm to operating agencies or to the public, the wrongful obtaining of gain in the provision of international telecommunication services through abuse of trust or deception, including through inappropriate use of numbering resources.

Reasons: This Proposal is based on [CWG/4A2/87](#).

ADD IND/21/10

27G 2.17 *Global telecommunication service (GTS)*: A service which enables communication to be established through a global number between subscribers whose physical location and national jurisdiction have no bearing on the tariff to be set for the service's use; which satisfies and complies with recognized and accepted international standards; and which is provided over the public telecommunication network by operating agencies having obtained the relevant numbering resources from ITU-T.

Reasons: This Proposal is based on [CWG/4A2/89](#).

ADD IND/21/11

27H 2.21 *Originating Identification*: The Originating Identification is the service by which the terminating party shall receive the identity information in order to identify the origin of the communication.

Reasons: This Proposal is based on [CWG/4A2/81](#).

ADD IND/21/12

27L 2.25 *Stability of the international telecommunication network*: The capability of the international telecommunication network to carry international traffic in the event of failure of telecommunication nodes or links and also in the face of internal and external destructive actions and to return to its original state.

Reasons: This Proposal is based on [CWG/4A2/99](#).

ADD IND/21/13

27M 2.26 *Security of the international telecommunication network*: The capability of the international telecommunication network to withstand internal and external destabilizing actions liable to compromise its functioning.

Reasons: This Proposal is based on [CWG/4A2/101](#).

ADD IND/21/14

27N 2.27 *International Roaming*: Provision to the subscriber of the opportunity to use telecommunication services offered by other operating agencies of other member states, with which the subscriber has not concluded an agreement.

Reasons: This Proposal is based on [CWG/4A2/103](#).

ADD IND/21/15

27O 2.28 *IP interconnection*: IP interconnection refers to means and rules employed to ensure the delivery of IP traffic through different networks.

Reasons: This Proposal is based on [CWG/4A2/105](#).

ADD IND/21/16

27P 2.29 *End to end quality of service delivery and best effort delivery*: End to End quality of service delivery refers to the delivery of PDU (Packet Data Unit) with predefined end-to-end performance objectives; Best-effort delivery refers delivery to of a PDU without predefined performance targets.

Reasons: This Proposal is based on [CWG/4A2/107](#).

ARTICLE 3

International Network

ADD IND/21/17

31A 3.5 Member States shall ensure that international naming, numbering, addressing and identification resources are used only by the assignees and only for the

purposes for which they were assigned; and that unassigned resources are not used. The provisions of the relevant ITU-T Recommendations shall be applied.

Reasons: This Proposal is based on [CWG/4A2/134](#).

ADD IND/21/18

31B 3.6 International calling party number delivery shall be provided in accordance with relevant ITU-T Recommendations.

Reasons: This Proposal is based on [CWG/4A2/142](#).

ARTICLE 4

International Telecommunication Services

MOD IND/21/19

34 4.3 Subject to national law, Member States shall endeavour to ensure that operating agencies provide and maintain, to the greatest extent practicable, a satisfactory quality of service corresponding to the relevant ITU-T Recommendations with respect to:

Reasons: This Proposal is based on [CWG/4A2/168](#).

MOD IND/21/20

35 a) access to the international network by users using terminals which are permitted to be connected to the network and which do not cause harm or diminish the level of safety and security of technical facilities and personnel;

Reasons: This Proposal is based on [CWG/4A2/174](#).

MOD IND/21/21

36 b) international telecommunication facilities and services available to customers for their use;

Reasons: This Proposal is based on [CWG/4A2/176](#).

MOD IND/21/22

37 c) at least a form of telecommunication service which is reasonably accessible to the public, including those who may not be subscribers to a specific telecommunication service; and

Reasons: This Proposal is based on [CWG/4A2/179](#).

MOD IND/21/23

38 d) a capability for interworking between different services, as appropriate, to facilitate international telecommunication services.

Reasons: This Proposal is based on [CWG/4A2/181](#).

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ADD IND/21/24

38A 4.4 Member States shall ensure that operating agencies providing international telecommunication services, including roaming, make available to subscribers information on tariffs and taxes. Each subscriber should be able to have access to such information and receive it in a timely manner and free of charge when roaming (entering into roaming), except where the subscriber has previously declined to receive such information.

Reasons: This Proposal is based on [CWG/4A2/188](#).

ADD IND/21/25

38B 4.5 Given the particular characteristics of GTS, which allows subscribers to have a worldwide number, implement GTSs in accordance with the National regulations.

Reasons: This Proposal is based on [CWG/4A2/195](#).

ADD IND/21/26

38E 4.8 Member States, subject to national security requirements, may foster the establishment of mutual agreements on mobile services accessed within a predetermined border zone in order to prevent or mitigate inadvertent roaming charges.

Reasons: This Proposal is based on [CWG/4A2/201](#).

ARTICLE 5

Safety of Life and Priority of Telecommunications

MOD IND/21/27

39 5.1 Safety of life telecommunications, ~~including~~ distress telecommunications, ~~emergency telecommunication services and telecommunications for disaster relief~~, shall be entitled to transmission as of right and shall, where technically practicable, have absolute priority over all other telecommunications, in accordance with the relevant Articles of the ~~Constitution~~, Convention ~~and~~ relevant ~~JTU-T Resolutions and~~ Recommendations.

Reasons: This Proposal is based on [CWG/4A2/204](#).

ADD IND/21/28

41B 5.5 Member States should cooperate to introduce in addition to their existing national emergency numbers, a global number for calls to the emergency services globally.

Reasons: This Proposal is based on [CWG/4A2/217](#).

ADD IND/21/29

41C 5.6 Member States shall ensure that operating agencies inform every roaming subscriber of the number to be used for calls to the emergency services, while entering into roaming, free of charge.

Reasons: This Proposal is based on [CWG/4A2/219](#).

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ADD IND/21/30

ARTICLE 5A

Confidence and security of telecommunications/ICTs

Reasons: This Proposal is based on [CWG/4A2/221](#).

ADD IND/21/31

41D 5A1. Member States shall have the right to take appropriate measures to protect and Secure the ICT Network infrastructure and data contained in or flowing through the Network and also to prevent the misuse of ICT network and services within their state.

5A2. The Member States should endeavour to take appropriate measures, individually or in cooperation with other Member states, to ensure Security of the ICT Network and information, including user information, contained in or flowing through the ICT network within their jurisdiction.

5A3. Member States should endeavour to oversee that Operating Agencies in their territory do not engage in activities which impinge on the security and integrity of ICT network such as denial of service attack, unsolicited electronic communication (spam), unsolicited access to network elements and devices etc., to enable effective functioning of ICTs in secure and trustworthy conditions.

5A4. Member States should endeavour to cooperate to harmonize national laws, jurisdictions, and practices in the relevant areas.

Reasons: Combined proposal on clauses proposed from [CWG/4A2/222 to 232](#) in 5A and 5B.

ARTICLE 6

Charging and Accounting

ADD IND/21/32

43A 6.1.1A Cost of International Roaming Services

a) Member States shall encourage competition in the international roaming market;

b) Member States are encouraged to cooperate to develop policies for reducing charges on international roaming services.

Reasons: This Proposal is based on [CWG/4A2/243](#).

MOD IND/21/33

45 6.1.3 Member States are free to levy fiscal taxes on international telecommunication services, in accordance with their national laws; however, the Member States should endeavour to avoid international double taxation on such services.

Reasons: This Proposal is based on [CWG/4A2/249](#).

ADD IND/21/34

54E 6.10 Subject to national law, Member States shall ensure that Operating Agencies collaborate in preventing and controlling fraud in international telecommunications by:

- Identifying and transmitting to the transit and destination Operating Agencies the pertinent information required for the purposes of payment for the routing of international traffic, in particular the originating Country Code, National Destination Code and the Calling Party Number.
- Following up requests of other Member States or their Operating Agencies to investigate calls that cannot be billed, and helping to resolve outstanding accounts.
- Following up requests of other Member States or their Operating Agencies to identify the source of calls originated from their territories exerting potential fraudulent activity.

Reasons: This Proposal is based on [CWG/4A2/287](#).

ADD IND/21/35

54F 6.11 The ITU Standardization Sector shall be responsible for disseminating the regulatory frameworks in place in administrations having an impact on matters related to fraud.

Reasons: This Proposal is based on [CWG/4A2/289](#).

ADD IND/21/36

54H 6.12A Member States shall foster the establishment of international roaming mobile services prices based on principles of reasonability, competitiveness and non-discrimination relative to prices applied to local users of the visited country.

Reasons: This Proposal is based on [CWG/4A2/293](#).

ADD IND/21/37

54K 6.14 Member States should foster continued investment in high-bandwidth infrastructures.

Reasons: This Proposal is based on [CWG/4A2/299](#).

ADD IND/21/38

54L 6.15 Member States shall promote cost-oriented pricing. Regulatory measures may be imposed to the extent that this cannot be achieved through market mechanisms and to the extent that such measures do not hinder competition.

Reasons: This Proposal is based on [CWG/4A2/301](#).

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ADD IND/21/39

54N 6.17 Member States shall promote transparency of end-user prices, in particular to avoid surprising bills for international services (e.g mobile roaming and data roaming).

Reasons: This Proposal is based on [CWG/4A2/305](#).

ADD IND/21/40

54S 6.D Member States should endeavour to take measures to ensure that an adequate return is provided on investments in network infrastructures in identified areas. If this cannot be achieved through market mechanisms, then other mechanisms may be used.

Reasons: This Proposal is based on [CWG/4A2/315](#).

ADD IND/21/41

54O 6.18 Member States should consider measures to favour special interconnection rates for landlocked countries.

Reasons: This Proposal is based on [CWG/4A2/307](#).

ADD IND/21/42

54P 6.18A Member States should endeavour that Recognized Operating Agencies establish charging units and parameters that bill telecommunication service consumers according to what is effectively consumed.

Reasons: This Proposal is based on [CWG/4A2/309](#).

ADD IND/21/43

54R 6.20 Rendering and Settlement of Accounts

6.20.1 The settlement of international accounts shall be regarded as current transactions and shall be effected in accordance with the current international obligations of the Member States and Sector Members concerned in those cases where their governments have concluded arrangements on this subject. Where no such arrangements have been concluded, and in the absence of special agreements made under Article 42 of the Constitution, these settlements shall be effected in accordance with the Administrative Regulations.

6.20.2 Administrations of Member States and Sector Members which operate international telecommunication services shall come to an agreement with regard to the amount of their debits and credits.

6.20.3 The statement of accounts with respect to debits and credits referred to in No. 498 above shall be drawn up in accordance with the provisions of the Administrative Regulations, unless special arrangements have been concluded between the parties concerned.

Reasons: The text is taken from CV 497, 498 and 499. This proposal is based on [CWG/4A2/313](#).

ADD IND/21/44

57B Member States shall encourage the provision of global services based on international standards that ensure accessible telecommunications and ICT services to persons with disabilities.

Reasons: This Proposal is based on [HNG/5/2](#).
