

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

UNSTARRED QUESTION NO:383

ANSWERED ON:22.07.2015

Violation of Regulations by Telecom Operators

Gawali (Patil) Ms. Bhavana; Sawant Shri Arvind Ganpat

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether it has come to the notice of the Government that some telecom operators are not following rules and regulations as laid down by the Telecom Regulatory Authority of India (TRAI);
- (b) if so, the details thereof including the names of such operators;
- (c) Whether the Government has taken any action against these telecom operators and imposed any penalty on them for violation of regulations; and
- (d) if so, the details thereof and the amount penalties recovered from them as financial incentive operator-wise?

Answer

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (d) Telecom Regulatory Authority of India (TRAI) has imposed financial disincentive on various telecom service providers for violation of rules and regulations. The financial disincentive imposed on telecom service providers under various regulations and orders are detailed below:

(i) The Telecommunication Tariff Order, 1999 (TTO, 1999) provides that all tariffs are to be reported to TRAI within seven working days from the date of implementation. It also provides for levy of financial disincentives on service providers @ Rs.5,000/- per day for each day of delay subject to a maximum of Rupees Two Lacs. The TTO, 1999 also provides for levy of financial disincentives upon telecom service providers in case they have collected excess charges in violation of the provisions of tariff orders. Details of financial disincentives levied upon telecom service providers are enclosed as Annexure - I.

(ii) 'The Reporting System on Accounting Separation Regulations, 2012 (ASR 2012) dated 15th October 2012, prescribes for imposing financial disincentive on the service providers for non-submission/delay in submission of reports or furnishing false/incorrect information in the reports under ASR 2012. It provides for levy of an amount not exceeding Rs. 5,00,000/- by way of financial disincentive, and, in case the default continues for more than 15 days, additional amount not exceeding Rs. 50,000/- for every day after 15 days during which the default continues, as the Authority may, by order, direct. Details of financial disincentive levied upon telecom service providers by TRAI for non-submission /delay in submission of reports or furnishing false/incorrect information in the reports under ASR 2012 are enclosed as Annexure-II.

(iii) After implementation of the Mobile Number Portability (MNP) in January 2011, TRAI had received a number of complaints wherein the subscribers had reported that their porting requests were rejected by the donor operators on various grounds. On examination, it was noticed that in many cases rejection of porting requests of MNP the subscribers were not in accordance with the provisions of the regulations. Accordingly, directions were issued to concerned service providers to ensure compliance of Mobile Number Portability regulations, so that MNP process is smooth and convenient to the subscribers. In addition, show cause notices were also issued against those service providers who had contravened the Mobile Number Portability regulations. Further, TRAI issued the 'Telecommunication Mobile Number Portability (Fourth Amendment) Regulations, 2012' dated 19th September, 2012 providing financial disincentives for unjustified rejection of porting request and for violation of timelines specified in the regulations. As per the provision of these regulations, Financial Disincentives (FD) that have been levied on private service providers and the detail thereof are enclosed as Annexure-III.

(iv) Further, in accordance with the provisions contained in the 'Standards of Quality of Service for Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009' and the 'Quality of Service of Broadband Service Regulations, 2006', regarding non-compliance with the benchmarks for the various Quality of Service parameters, TRAI has imposed financial disincentives on Basic Service Providers (Wireline), Cellular Mobile Telephone Service Providers (2G & 3G) and Broadband service providers. So far an amount of Rs. 8,89,25,000/- (Rupees Eight crores, Eighty-nine lakhs and Twenty five thousand only) has been imposed on these service providers. Against these the amount outstanding is Rs. 1,20,50,000/- (Rupees one crores, Twenty lakhs and Fifty thousand only). The outstanding is because of various representations from the Telecom Service Providers.

(v) For non-compliance with the provisions contained in the 'Telecom Commercial Communications Customer Preference Regulation, 2010 (TCCCPR, 2010)', TRAI has imposed financial disincentives on 13 companies for Rs. 14,83,70,000/- (Rupees Fourteen crores, Eighty-three lakhs and Seventy thousand only). The amount outstanding as of now is Rs. 2,26,48,000/- (Rupees Two crores, Twenty-six lakhs, and Forty-eight thousand only). The outstanding is because of various representations from the Telecom Service Providers.

(vi) For non-compliance with the 'Quality of Service (Code of Practice for Metering and Billing Accuracy) Regulations, 2006', TRAI has imposed financial disincentive on one company for Rs. 23,95,311/- (Rupees Twenty-three lakhs, Ninety-five thousand, three hundred and eleven only).

(vii) TRAI has filed a complaint with the Chief Metropolitan Magistrate, Delhi against one service provider for imposition of penalty.

Annexure-I

Financial Disincentive imposed on telecom service providers for violation of TTO 1999 during the year 2013, 2014 & 2015.

Sl. No. Name of Service Provider Date of Order Date of DD/PO Amount (in Rs)

2013

1 M/s Tikona Digital Network Pvt. Ltd. 5/17/2013 5/22/2013 25,000
2 M/s Bharti Airtel Limited 7/16/2013 7/22/2013 20,430
3 M/s Bharti Airtel Limited 7/22/2013 8/16/2013 10,000
4 M/s Bharti Airtel Limited 8/29/2013 9/16/2013 10,000
5 M/s Vodafone India Limited 9/6/2013 9/21/2013 15,000
9/6/2013 9/20/2013 5,000
6 M/s Vodafone India Limited 10/4/2013 10/10/2013 10,000
10/4/2013 10/10/2013 5,000
7 M/s Loop Mobile (India) Limited 10/14/2013 10/24/2013 20,000
8 M/s Vodafone India Limited 11/29/2013 12/18/2013 15,000
9 M/s Vodafone India Limited 11/29/2013 12/6/2013 65,000
10 M/s Vodafone India Limited 11/29/2013 12/4/2013 5,000
11 M/s Dishnet Wireline Limited 12/2/2013 12/19/2013 35,000
12 M/s Dishnet Wireline Limited 12/2/2013 12/26/2013 40,000
13 M/s Dishnet Wireline Limited 12/2/2013 12/26/2013 40,000
14 M/s Dishnet Wireline Limited 12/2/2013 12/26/2013 40,000
15 M/s Dishnet Wireline Limited 12/2/2013 12/31/2013 30,000
16 M/s Aircel Limited 12/2/2013 12/31/2013 45,000

2014

17 M/s Vodafone India Limited 1/16/2014 1/21/2014 30,000
18 M/s Vodafone India Limited 1/16/2014 1/21/2014 95,000
19 M/s Vodafone India Limited 1/16/2014 1/28/2014 5,000
20 M/s Vodafone India Limited 1/16/2014 2/4/2014 5,000
21 M/s Vodafone India Limited 1/16/2014 1/23/2014 5,000
22 M/s Vodafone India Limited 1/16/2014 1/29/2014 15,000
23 M/s Vodafone India Limited 1/16/2014 1/30/2014 15,000
24 M/s Vodafone India Limited 1/16/2014 1/30/2014 10,000

25 M/s Vodafone India Limited 1/16/2014 1/23/2014 15,000
26 M/s Vodafone India Limited 1/16/2014 1/21/2014 70,000
27 M/s Vodafone India Limited 1/16/2014 1/20/2014 5,000
28 M/s Bharti Airtel Limited 1/20/2014 1/31/2014 10,000
29 M/s Reliance Communicatios Limited 2/13/2014 3/5/2014 5,752
30 M/s Aircel Limited 3/27/2014 5/1/2014 10,000
3/27/2014 5/6/2014 5,000
31 M/s Vodafone India Limited 3/26/2014 4/9/2014 95,000
32 M/s Vodafone India Limited 3/26/2014 4/9/2014 15,000
33 M/s Vodafone India Limited 3/26/2014 4/4/2014 20,000
34 M/s Vodafone India Limited 3/26/2014 4/9/2014 45,000
35 M/s Vodafone India Limited 3/26/2014 3/29/2014 5,000
36 M/s Vodafone India Limited 3/26/2014 4/9/2014 10,000
37 M/s Vodafone India Limited 3/26/2014 4/5/2014 5,000
38 M/s Reliance Telecom Limited 3/5/2014 5/21/2014 2,00,000
39 M/s Vodafone India Limited 4/30/2014 5/21/2014 60,000
40 M/s Vodafone India Limited 7/22/2014 7/29/2014 5,000
41 M/s D Vois Broadband Pvt. Ltd. 8/22/2014 9/10/2014 30,000
42 M/s Vodafone India Ltd 9/3/2014 9/3/2014 5,000
43 M/s Vodafone India Ltd 11/5/2014 11/18/2014 95,000
44 M/s Vodafone India Ltd 11/20/2014 9/12/2014 15,000
45 M/s Vodafone India Ltd 11/25/2014 12/12/2014 15,000

2015

46 M/s Vodafone India Ltd 3/26/2015 3/31/2015 30,000
47 M/s Vodafone India Ltd. 4/9/2015 4/24/2015 10,000
48 M/s Bharti Airtel Limited 6/18/2015 7/3/2015 1,90,000

Annexure-II

Financial Disincentive imposed on telecom service providers for violation of Accounting Separation Regulations, 2012 (in Rs.)
S.No. Name of the Company Amount Imposed Date of Order Amount Collected Date of Receipt

2014

1	Beam Telecom	600,000	5/1/2014	600,000	5/23/2014
2	Sify	155,000	1/24/2014	155,000	3/20/2014

2013

3	Tulip Telecom Ltd	4,300,000	7/24/2013	Not yet received.	
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The financial disincentive of Rs. 43 lakhs was imposed on M/s Tulip for non-submission of ASRs for the year 2011-12. The order was not followed by M/s Tulip. A show cause notice was issued to M/s Tulip that legal action shall be initiated for non-compliance of TRAI's order.

Annexure-III

Financial disincentive levied on telecom service providers for violation of Mobile Number Portability (Fourth Amendment) Regulations 2012 (in Rs.)

Sr. No.	Service Provider	2013-14	2014-15	2015-16	Remarks
F. D. levied	Amount Deposited	F. D. levied	Amount Deposited	F. D. levied	Amount Deposited
1	Aircel	15,069,000	15,069,000	718,000	718,000
2	Bharti Airtel	46,794,000	46,794,000	20,000	20,000
4	Idea Cellular	5,418,000	5,418,000	64,000	64,000
5	Loop Mobile	115,500	115,500	126,000	126,000
7	Quadrant Televentures	25,000	25,000	--	--
8	Reliance Com.	8,500	8,500	--	50,000 50,000
9	Reliance Telecom	43,000	43,000	4,000	4,000
10	SSTL-MTS	509,000	509,000	--	--
11	Tata	1,933,500	1,933,500	400,000	400,000
12	Telewing (Uninor)	8,500	8,500	4,000	4,000
13	Videocon	--	4,000	4,000	--
14	Vodafone	10,492,000	10,492,000	1,796,000	1,736,000
Based on representation given by the service provider, the Authority reexamined the issue and waived off Rs. 60000/-					
Grand Total		80,416,000	80,416,000	3,136,000	3,076,000 50,000 50,000
