

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

**LOK SABHA
STARRED QUESTION NO.145
TO BE ANSWERED ON 13TH FEBRUARY, 2019**

MISLEADING ADVERTISEMENTS BY TELECOM COMPANIES

†*145. SHRI RAHUL KASWAN:

Will the Minister of COMMUNICATIONS be pleased to state:

- (a) whether the telecom companies are disseminating obscene, misleading and undesired advertisements through e-mail, WhatsApp messenger, Facebook, etc. for their financial benefit;
- (b) if so, the details of the complaints received in this regard;
- (c) whether the said disseminated messages are against the traditions of Indian culture and society which are adversely affecting the young generations;
- (d) if so, the effective steps proposed to be taken to check the dissemination of the said messages; and
- (e) whether mobile subscribers are facing the problem of call drops, cross connections and unavailability of network as the networks of telecom companies are not functioning properly, if so, the details thereof and the details of schemes formulated to address the said problems?

ANSWER

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

- (a) to (e) A statement is laid on the Table of the House.

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STATEMENT TO BE LAID ON THE TABLE OF LOK SABHA IN RESPECT OF PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO. *145 FOR 13TH FEBRUARY, 2019 ON “MISLEADING ADVERTISEMENTS BY TELECOM COMPANIES”.

(a) to (c) Madam, Cyber space is a complex environment of people, software, hardware and services on the Internet. With a borderless cyberspace and the ability to post anything from anywhere and at any time, the potential for dissemination of obscene, misleading and undesired content (which, in some cases, may be against the traditions of Indian culture and society) through email, Messaging platforms like WhatsApp and other social media sites exists. The same is also true for advertisements.

No specific complaint has been received so far in respect of such advertisements by Telecom Companies and others.

(d) To deal with such matters, the existing provisions are as follows:

- (i) Section 67 of Information Technology Act (Amendments), 2008 provides for prohibiting publishing or transmitting obscene material in electronic form;
- (ii) Section 67A of Information Technology Act (Amendments), 2008 provides for punishment for publishing or transmitting of material containing sexually explicit act etc. in electronic form;
- (iii) Section 67B of Information Technology Act (Amendments), 2008 provides for punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form;
- (iv) Section 69A of Information Technology Act (Amendments), 2008 provides to issue directions for blocking for public access of any information through any computer resource.

In addition to above, provisions of section 5 (2) of Indian Telegraph Act read with Rule 419 A of Indian Telegraph (1st amendment of 2014) Rules, 2014 and Section 69 of Information Technology Act (Amendments) 2008 also exist which may be invoked as and when required by the authorized Law enforcement agencies.

Accordingly, based on the directions received from various organisations such as Ministry of Electronics and Information Technology, Central Bureau of Investigation and Judicial courts, Department of Telecommunications(DoT) directs the licensed Internet service providers to block the public access to any information/website from any computer resource. As such total 17444 Websites/Universal Resource Locator(URLs) have been blocked since 1st January 2016 in this regard.

(e) The Government has received complaints regarding call drops and unavailability of network registered under the category call drops and Network Problem / Poor Coverage on Centralized Public Grievance Redress and Monitoring System (CPGRAMS) portal during the year 2018. A summary of the same is attached at Annexure – I(for call drops) and II(For network problem/ poor coverage). Regarding cross connection, as such no complaint has been received so far.

Following are the schemes under which call drops and unavailable network of TSPs are monitored and appropriate measures are taken accordingly for improving the quality of Services (QoS) of the network.

- i. TRAI, through “The Standards for Quality of Service for Basic (Wireline) and Cellular Mobile Telephone Services (Fifth Amendment) Regulations, 2017” dated 18th August, 2017 has prescribed two new parameters for assessment of Drop Call Rate in a mobile network,

viz. “Drop Call Rate (DCR) Spatial Distribution Measure” with benchmark value <2% and “DCR Temporal Distribution Measure” with benchmark value <3% effective from 1st October 2017.

Drop Call Rate (DCR) Spatial Distribution Measure (benchmark $\leq 2\%$) implies that at-least 90% of Cells in the network should perform better than specified 2% benchmark on at-least 90% of the days in a quarter.

DCR Temporal Distribution Measure (benchmark $\leq 3\%$) will give confidence that on at-least 90% of Days in a quarter, network performed better than specified 3% benchmark for at-least 97% of the Cells. (A Base Transceiver Station (BTS) installed by a TSP has normally 3 Cells)

The parameters prevailing earlier assessed the performance of mobile networks for the License Service Area (LSA) as a whole. However, the revised parameters, effective from 1st October 2017, are more stringent as they give better insight into the network performance of Telecom Service Providers (TSPs) at each Base Transceiver Station (BTS) level.

TRAI has also introduced a revised graded Financial Disincentives (FD) structure for DCR parameters effective from 1st October 2017, based on the extent to which a TSP’s performance deviates from the specified DCR benchmark.

- Financial disincentive (per benchmark per quarter):
 - 1st violation 2nd & subsequent violations
 - Earlier: Rs. 1 lakh Rs. 1.5 lakh & Rs. 2 lakh
 - Current: Graded 1.5 to 2 times
(Rs. 1 to 5 lakh) (Capped at Rs 10 Lakh)

As per latest report of TRAI for the quarter ending September 2018, all TSPs are complying to Drop Call Rate (DCR) benchmark despite rapid increase in traffic volume and more stringent benchmarks, except M/s Idea in four License Service Areas (LSAs) i.e. Assam, Jammu & Kashmir, Himachal Pradesh & North East; and M/s Bharat Sanchar Nigam Limited (BSNL) in one LSA i.e. West Bengal.

The service providers have been issued Show Cause Notice to explain their position including reasons for non-compliance.

- ii. Vide Telecom Consumers Protection (9th Amendment) Regulation, 2015 dated 16th October 2015, TRAI had mandated compensation to consumers of mobile services at the rate of Rs. 1/- per drop call, subject to a maximum of Rs. 3/- per day per subscriber by the concerned TSP and also (i) provide the calling consumer, through SMS/USSD message, within four hours of the occurrence of call drop, the details of amount in his account; and (ii) in case of post-paid consumers, provide the details of the credit in the next bill. However, the Hon’ble Supreme Court has set aside the regulation vide Order dated 11th May, 2016.

Annexure -I

State Wise Report for the Period
01/01/2018 To 31/12/2018

Grievance Category: - Mobile: Call Drop/Improper Network Coverage

SR.NO.	State Name	Brought Forward	Received During	Disposed During	Pending During
1	Andaman And Nicobar Islands	1	5	5	1
2	Andhra Pradesh	1	23	22	2
3	Arunachal Pradesh	0	2	2	0
4	Assam	6	27	33	0
5	Bihar	9	70	79	0
6	Chandigarh	1	7	8	0
7	Chhattisgarh	3	29	32	0
8	Dadra and Nagar Haveli	0	0	0	0
9	Daman and Diu	0	0	0	0
10	Delhi	12	190	196	6
11	Goa	0	2	1	1
12	Gujarat	6	56	61	1
13	Haryana	4	91	93	2
14	Himachal Pradesh	0	8	8	0
15	Jammu And Kashmir	4	18	18	4
16	Jharkhand	2	31	33	0
17	Karnataka	11	137	144	4
18	Kerala	0	33	33	0
19	Lakshadweep	0	0	0	0
20	Madhya Pradesh	2	22	23	1
21	Maharashtra	19	177	191	5
22	Manipur	1	0	1	0
23	Meghalaya	0	2	2	0
24	Mizoram	0	1	1	0
25	Nagaland	0	0	0	0
26	Odisha	2	72	73	1
27	Puducherry	0	1	1	0
28	Punjab	3	41	43	1
29	Rajasthan	9	89	98	0
30	Sikkim	1	0	1	0
31	Tamilnadu	5	73	73	5
32	Telangana	3	30	33	0
33	Tripura	0	2	2	0
34	Uttar Pradesh	9	300	298	11
35	Uttarakhand	2	30	31	1
36	West Bengal	14	109	122	1
	Total	130	1678	1761	47

01/01/2018 To 31/12/2018

Grievance Category: - Mobile: Network Problem/Poor Coverage

R.NO.	State Name	Brought Forward	Received During	Disposed During	Pending During
1	Andaman And Nicobar Islands	0	12	10	2
2	Andhra Pradesh	5	101	105	1
3	Arunachal Pradesh	0	5	5	0
4	Assam	1	139	138	2
5	Bihar	20	372	384	8
6	Chandigarh	0	84	83	1
7	Chhattisgarh	4	99	102	1
8	Dadra and Nagar Haveli	0	1	1	0
9	Daman and Diu	0	1	1	0
10	Delhi	21	760	755	26
11	Goa	1	18	19	0
12	Gujarat	6	233	233	6
13	Haryana	7	252	249	10
14	Himachal Pradesh	1	45	44	2
15	Jammu And Kashmir	7	129	130	6
16	Jharkhand	2	101	98	5
17	Karnataka	16	540	539	17
18	Kerala	6	136	141	1
19	Lakshadweep	0	0	0	0
20	Madhya Pradesh	7	171	175	3
21	Maharashtra	22	630	637	15
22	Manipur	1	3	4	0
23	Meghalaya	0	10	9	1
24	Mizoram	0	4	4	0
25	Nagaland	0	4	4	0
26	Odisha	3	200	201	2
27	Puducherry	0	2	2	0
28	Punjab	4	133	134	3
29	Rajasthan	7	304	300	11
30	Sikkim	0	0	0	0
31	Tamilnadu	8	247	239	16
32	Telangana	1	108	104	5
33	Tripura	1	27	26	2
34	Uttar Pradesh	25	1066	1050	41
35	Uttarakhand	2	90	91	1
36	West Bengal	11	374	372	13
	Total	189	6401	6389	201
