

(d) There are no specific provisions regarding banning of unbranded mobile phones in the World Trade Organization (WTO) agreements. However, if any WTO member feels that such phones are necessary to be banned for security reasons or to protect human, animal or plant life or health or for protection of patents, trademarks and copyrights and prevention of deceptive practices etc., the Member can take recourse to provisions of General Exceptions [Article XX of General Agreement on Tariffs and Trade (GATT)] and Security Exceptions [Article XXI of GATT] subject to the provisions of GATT and WTO. The provisions relating to National Treatment [Article III of GATT] and Most-Favored-Nation (MFN) Treatment [Article I of GATT] are also required to be kept in mind while enforcing such ban.

(e) Government has, *vide* DGFT Notification No. 14/2009-2014 dated 14.10.2009, banned import of 'Mobile Handsets' without International Mobile Equipment Identity (IMEI) No. or with all Zeroes IMEI and CDMA 'Mobile Phones' without Electronic Serial Number (ESN)/ Mobile Equipment Identifier (MEID) or with all Zeroes as ESN/MEID. Department of Telecom has also notified to all the mobile phone manufacturers to comply with basic restriction in terms of SAR (Specific Absorption Rate) value limited to 2W/kg (averaged over 10g tissue) localized for head and trunk in the frequency range of 10 MHz to 10 GHz.

#### **Withdrawal of ADC Regime**

1987. SHRI SAMAN PATHAK: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) by when Government adequately compensate BSNL through ADC regime to offset incredibly huge losses it has incurred to meet socio-economic obligations of Government in accomplishing deployment of widespread country-wide telecom infrastructure and massive user penetration in remotest parts of the country at highly subsidized prices; and

(b) the reasons why the ADC regime has been withdrawn arbitrarily to provide strategic business leverage to private operators whose contribution in rural telecom expansion has been virtually nil in the so-called name of fallacious level playing field?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT): (a) and (b) Sir, Access Deficit Charge (ADC) regime was put in place by Telecom Regulatory Authority of India (TRAI) to assist in sustainability of fixed line operations in competitive environment for below cost services. ADC was started from 1st May, 2003 for giving sufficient time to fixed line operators for rebalancing the tariffs in the transition period. ADC was instituted as a depleting regime to be phased out in 3 to 5 years. Review of ADC was done annually. TRAI has phased out the ADC on domestic calls *w.e.f.* 1.4.2008 and on international incoming calls *w.e.f.* 1.10.2008. The phasing out of ADC by TRAI was accompanied with the simultaneous support of BSNL's rural wire line network through Universal Service Obligation Fund (USOF) as subsidy.

USOF is providing subsidy to BSNL for the operational sustainability of the rural wire lines installed prior to 01.04.2002 at the rate of Rs. 2000 crores per annum for a period of three years from 18th July, 2008. Till 30.6.2010, subsidy support of Rs. 2907.61 crores has been provided to BSNL under this scheme.

#### **BSNL Managements**

1988. SHRI SMAN PATHAK: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state by when Government is going to give BSNL Management complete freedom to decide and finalize its commercial and business policies and procurement of equipment without any political/bureaucratic interference?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT): Sir, BSNL management is completely free to decide and finalize its commercial and business policies and procurement of equipment without any political and bureaucratic interference. However, BSNL has been signing Memorandum of Understanding (MoU) with Department of Telecommunications (DoT) on yearly basis in accordance with the MoU guidelines of the Department of Public Enterprises. The review of the same is held on quarterly basis. Further, various interactions on overall performance of BSNL, quality of service offered by it, suggestions for improving the services etc. also happen on periodic basis at various levels in DoT.