

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT): (a) No, Sir. Subscriber Identity Module (SIM) of cellular mobile connections of BSNL are available on demand in the State of Madhya Pradesh and there is no waiting list.

(b) and (c) Do not arise in view of (a) above.

**Penalty of Telecom Service providers**

2741. SHRI PAUL MANOJ PANDIAN: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether any legislation is proposed to be introduced to impose penalty on the telecom service providers' (licensees) if the equipments installed by them have spy ware or malware; and

(b) the action that has been taken on this issue in the interest of security agencies?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT): (a) and (b) Sir, amendment were issued in December, 2009 in the Licence Agreements of all telecom service providers for security related concerns. As per these amendments, the Licensee(s) have to apply to the Licensor for security clearance, along with the details of equipment(s) as well as details of equipment(s) suppliers and manufacturers including Original Equipment Manufacturers (OEM), before placement of the final purchase order for procurement/upgradation of equipment/software for provisioning of telecommunications services under the licence and that it shall also include any such activity by the franchisee, agents or person of that licensees. In addition, Licensee is required to submit a self certification with Licensor (DoT) that the equipment/ software proposed for procurement/ upgradation is free from black boxes, malware, trapdoor and remote/hidden attack through computerized command and control and adequate steps and mechanisms for adequate security against any subversive activity by company/ manufacturer/ vendors involved in the supply chain have been taken and are in place . If the Licensor/Government of India at later stage, after security audit of the above said equipment/software procured by them for use in their network for providing licensed services, finds

that the self certification as above is incorrect, then they agree to accept a penalty of upto Rupees Fifty Crore as per Licence Agreement for each such procurement. In such an event, on hearing from Licensor/Gol, they shall immediately uninstall and remove the equipments/software from the network for providing licensed services and follow any other direction from the Licensor/ Government of India in this regard in the interest of National Security.

Recently, amendments in the Unified Access Services (UAS)/Cellular Mobile Telephone Services (CMTS)/Basic Services License Agreements and template of agreement between telecom service provider and vendor of equipment/software/services has been issued on 28-07-2010 in consultation with Ministry of Home Affairs, to addresses the security concerns in procurement of equipment from foreign vendors. Accordingly, in the event, any security breach is detected at later stage after deployment/installation of equipment as a result of security audit or in any other manner, the relevant equipment supplied by the vendor shall be taken out of service and penalty of Rs. Fifty crore for each Purchase Order shall be imposed on the Licensee. In addition, a penalty of 100% of contract value shall be levied by the Licensor on the licensee. The Licensee shall deposit the penalty and additional penalty with the Licensor within 30 days of the Notice. The Licensor may also at its discretion blacklist the vendor from making any supply deals with Indian Operators.

#### **Irregularity in Allocation of 2G Spectrum.**

2742. SHRI RANJITSINH VIJAYSINH MOHITE-PATIL : Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether Government has come to know about some serious instances of irregularity in the allocation of 2G spectrum;

(b) whether the spectrum were distributed in an arbitrary manner to favour set of players; and

(c) whether Government has also found clear instance of irregularities in the way the Ministry charged the goal post allegedly to favour set of players?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI SACHIN PILOT): (a) to (c) No, Sir. Initial spectrum is allotted to the Cellular