

The Information Technology Act 2000 amended by the Information Technology (Amendment) Act 2008 with effect from 27.10.2009 together with the Indian Penal Code 1860, provides- legal framework for countering pornographic sites including child pornography. Sections 67, 67A and 67B of the Information Technology Act provides stringent punishment and fine for publishing or transmission of pornography in electronic form as well as hosting on website any information which is lascivious, or contains sexually explicit act or conduct, or depicts children engaged in sexually explicit act. Section 67 provides imprisonment upto three years and fine upto five lakh rupees for first conviction and imprisonment upto five years and fine upto ten lakh rupees for subsequent convictions. Section 67A and section 67B provides punishment upto five years and fine upto ten lakh rupees for first conviction and imprisonment upto seven years and fine upto ten lakh rupees for subsequent convictions.

Cancellation of licences of telecom operators failing to start services

1440. SHRIMATI KUSUM RAI: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether TRAI has recommended for cancellation of licences of 74 telecom operators recently due to failure in starting telecom services in respective spectrum allocated circles within the stipulated time;

(b) if so, the details thereof along with the details of operators and circles for which their licences have been cancelled;

(c) whether there is dispute between TRAI and DoT regarding number of licences to be cancelled; and

(d) if so, the details thereof and the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) and (b) TRAI *vide* its letters dated 18th November, 2010 and 22nd December, 2010 recommended for cancellation of 43 Unified Access Service (UAS) licenses as per licence condition and to seriously consider the cancellation of another 31 UAS licenses in view of non-utilisation of spectrum and resultant loss of revenue to exchequer after legal examination, out of 145 UAS licences granted from the year 2006 to 2008. The details of operators and circles for which show cause notices for cancellation of the licenses due to violation of the rollout obligation conditions are given in Statement (*See below*). Question of cancellation of licences will arise only after detailed examination of the replies received from Licensees.

(c) and (d) As per TRAI, out of 43 licenses recommended for cancellation:

- (i) 4 licensees had complied with the roll out obligations but with delay involving more than 52 weeks and the rollout of network (in terms of BTS/subscribers) as on 18th November, 2010 was not satisfactory.
- (ii) 2 licensees had not complied with the roll out obligation and the period of 52 weeks from the due date of compliance has expired.
- (iii) 32 licensees had not complied with the roll out obligations and service has not been started even though registration has been made with the Telecom Enforcement, Resource and Monitoring (TERM) Cell. In these service areas the numbers of BTS/subscribers are very less and apparently the licensee has not rolled out its network.
- (iv) 5 licensees had not complied with the roll out obligations.

DoT has examined the recommendations of TRAI as per the UAS License conditions in consultation with Ministry of Law and Justice and came to a *prima facie* conclusion that 18 licensees are liable for cancellation as per license conditions.

Since meeting the roll-out obligations is not linked with the number of subscribers in the network or the number of BTSs deployed, as the number of BTSs may vary according to the area to be covered in a selected District Head Quarter (DHQ)/town, the Government came to a *prime facie* conclusion that TRAI recommendations need modifications. The reference was sent back to TRAI for its reconsideration as per TRAI act to reconcile the differences.

After reconsideration, TRAI *vide* its letter dated 14th July, 2011 has recommended for cancellation of 53 licences. TRAI has also recommended to seek legal opinion once again on the issue of cancellation of another 30 UAS licences. It is proposed to take final decision on recommendations of the TRAI after taking into consideration legal advice in this regard.

Statement

Cancellation of Licences of Telecom operators failing to start service

Sl.No.	Name of licensee	Name of the service area
1.	Aircel Ltd.	Andhra Pradesh, Gujarat, Rajasthan
2.	Dishnet Wireless Ltd.	Haryana, Kolkata, Madhya Pradesh, Punjab
3.	Etisalat DB Telecom Pvt. Ltd.	Delhi, Mumbai
4.	Idea Cellular Ltd.	Karnataka
5.	Sistema Shyam Teleservices Ltd.	Assam, Kerala, West Bengal
6.	Spice Communications Ltd.	Andhra Pradesh
7.	Vodafone Essar Spacetel Ltd.	North East