

provided by telecom service providers, against the notified quality of service standards, through quarterly Performance Monitoring Reports (PMRs). As per the performance monitoring reports for Basic Services (Wireline) submitted by the service providers for the quarter ending 30th September, 2012, it is seen that the service providers have met the Quality of Service benchmarks for most of the parameters, except for the parameters fault incidences and fault repair, which is not met by BSNL and MTNL in some of the service areas. In respect of Cellular Mobile Telephone Service, as per PMR for the quarter ending September, 2012, it is seen that the service providers including BSNL and MTNL, have met the Quality of Service benchmarks for most of the parameters.

Wherever, deficiencies in meeting the quality of service bench marks are observed, the matter is taken up with the service providers for taking time bound action to address the deficiencies. TRAI closely monitors the performance of operators to ensure that these parameters are complied by service providers.

#### **Guidelines for bulk SMSs**

2381. DR. PRADEEP KUMAR BALMUCHU: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

(a) whether it is a fact that Government has issued new guidelines with regard to bulk SMSs;

(b) if so, the details thereof;

(c) whether some of the cell phone companies are not adhering to the guidelines; and

(d) if so, the action proposed to be taken against those cell phone companies?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) to (d) Sir, the current regulatory framework for controlling unsolicited commercial communications/unwanted SMSs has been laid down by the Telecom Regulatory Authority of India (TRAI) through "The Telecom Commercial Communications Customer Preference Regulations, 2010" dated 1st December, 2010. All the provisions of the said regulation have come

into force from 27th September, 2011. TRAI has also issued several amendments to these regulations to strengthen the regulatory framework.

TRAI has recently issued the 10th Amendment Regulations on 5th November, 2012, to prevent unregistered telemarketers from misusing bulk SMS packages or tariff plans, which provide for sending large number of SMSs at nominal charges. A price restraint has been placed on sending of more than one hundred SMS per day per SIM at a concessional rate and a minimum charge of 50 paise has been mandated for SMS sent beyond 100 SMS in a day.

The main regulation has penal provisions against telemarketers for violations of the provisions of the regulations. In case of violation by a registered telemarketer, amounts will be deducted from the security deposit of such telemarketer by the Access Provider as per the following table and such amount will be deposited with TRAI:

**Deduction from Security Deposit of Telemarketer in case  
of Violation**

Sl. No.	No. of Violation by Telemarketer access provider wise	Deduction from security deposit	Security Deposit	Additional Security Deposit
	0 violation	Nil	1,00,000	Nil
1.	1st Violation	Rs. 25,000	75,000	2,00,000
2.	2nd Violation	Rs. 75,000	2,00,000	Nil
3.	3rd Violation	Rs. 80,000	1,20,000	4,00,000
4.	4th Violation	Rs. 1,20,000	4,00,000	Nil
5.	5th Violation	Rs. 1,50,000	2,50,000	Nil
6.	6th Violation	Rs. 2,50,000	Nil	Nil

The regulations also provide for disconnection of telecom resources of unregistered telemarketers on complaints received on second instance, after issuing a notice on first violation.

The main regulation also has penal provisions against Access Providers for violations of the provisions of the regulations. In case the Access Provider violates any of the provisions of these regulations, TRAI may constitute an inquiry by an inquiry committee comprising of officers of TRAI and if on such inquiry the Access Provider is found to be in contravention of the provisions of regulations, TRAI may order the Access Providers to pay the following amount by way of financial disincentive.

**Financial Disincentive on Access Providers**

Sl. No.	Number of Violation by access provider	Financial Disincentive
1.	1st Violation	Rs 1,00,000
2.	2nd Violation	Rs 5,00,000
3.	3rd and subsequent Violation	Rs 10,00,000

Based on above provisions of the TRAI Regulations, the following action has been taken against the violators as on 30-11-2012 :-

- 1,53,057 notices have been sent to subscribers who have not registered as a telemarketer but were doing the telemarketing activities.
- 1,48,149 telephone numbers (telecom resources) of such subscribers have been disconnected.
- Rs 1,08,94,558 has been deducted from the security deposit of registered telemarketers in 195 cases.
- 13 telemarketers have been Black-listed.
- Financial disincentive imposed on one of the Access Service Providers.

**Expansion and improvement of telecommunication services**

2382. SHRIMATI NAZNIN FARUQUE: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state: