

- (b) if so, the names of those companies;
- (c) whether such private companies have informed the Government about their collaboration with China;
- (d) if not, whether there is an apprehension that the collaboration of private companies with China may lead to breach of confidentiality of the country; and
- (e) if so, the details of the steps taken in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) to (e) The private manufacturing companies can enter into collaboration with any company from any country as 100% foreign direct investment is permitted in telecom equipment manufacturing. For this collaboration, the Government of India has also liberalized payment of royalty, lump sum fee for transfer of technology and payments for use of trademark/brand name *vide* Press Note No. 8 (2009 Series) dated 16th December, 2009. These payments are on the automatic route subject to Foreign Exchange Management (Current Account Transactions) Rules, 2000, as amended from time to time.

Similarly, Telecom Service Providers can procure telecom equipment from any Indian or foreign company, including companies from China, subject to compliance towards Unified Access Services Licence (UASL)/Cellular Mobile Telephone Service (CMTS)/Basic licenses in general and amendments to various telecom licenses issued in May/June, 2011 in particular. According to the amendment of May/June, 2011, telecom service provider has to get any telecom equipment, which is being inducted into network, security tested as per relevant contemporary Indian or international Security Standards from a certified lab or through the vendor facility upto 31.03.2013. From 1st April, 2013, the certification must be done from the authorized and certified agency/lab in India. The above amendments have been issued to safeguard the security of the network and information and data contained or stored in the network elements. Further telecom service providers are completely and totally responsible for security of their network and in case of any security breach, the penalty provisions have been provided in these amendments.

Charging of excess spectrum

1303. SHRI JAI PRAKASH NARAYAN SINGH: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether telecom operators have been writing to DOT against charging of excess spectrum up to the contracted quantity of 6.2 MHz of GSM and 5 MHz of CDMA;

(b) if so, the logic behind levying of one-time charge for the spectrum beyond 4.4 MHz for GSM and 2.5 MHz of CDMA;

(c) whether TRAI, DOT and Attorney General have all opined that 6.2 MHz is the contracted spectrum for GSM and 5 MHz for CDMA; and

(d) if so, whether Government had taken into account the legal complications by charging the operators for spectrum beyond 4.4 MHz for GSM and 2.5 MHz for CDMA?

THE MINISTER OF STATE IN THE MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA): (a) Yes, Sir, Representations from M/s Bharti Airtel Ltd., M/s Idea Cellular Ltd., M/s Vodafone and M/s Reliance Telecommunication Limited have been received.

(b) to (d) Government took a decision to levy onetime charge from spectrum beyond 4.4. MHz for GSM and 2.5 MHz for CDMA, taking into consideration, Telecom Regulatory Authority of India (TRAI) recommendations, Telecom Commission recommendations, opinion of the Attorney General of India, and recommendations of the Empowered Group of Ministers (EGoM). Necessary order has been issued on 28.12.2012. A copy of the order is given in the Statement.

Statement

Order regarding levying of one-time charge for the spectrum

**Government of India
Ministry of Communications and IT
Department of Telecommunications
WPC Wing**

No.: P-11014/19/2008-PP (Pt.I)

Dated the 28th December, 2012

O R D E R

Sub: Levy of one time spectrum charges for GSM/CDMA spectrum held by the incumbent Telecom Service Providers.

In pursuance of power conferred by Section 4 of Indian Telegraph Act, 1885 (Act No. 13 of 1885) the Central Government hereby prescribes the following rates of one ,time spectrum charges for GSM spectrum held in 900 MHz and 1800 MHz by Telecom service providers:—

- (i) For spectrum holding above 6.2 MHz (GSM) rates applicable for the period 01.07.2008 to 31.12.2012 shall be as per Schedule of Rates given in Annexure.

- (ii) For spectrum holding above 4.4 MHz (GSM) , one time charge shall be effective from 01.01.2013 as per Schedule of Rates given in Annexure. Licensees may surrender spectrum beyond 4.4. MHz if they do not wish to pay the charge.
 - (iii) In respect of service areas Delhi, Mumbai, Karnataka and Rajasthan, the rates for 1800 MHz with effect from 01.01.2013 are provisional subject to adjustment against auction determined rate, when available.
 - (iv) Like-wise in respect of 900 MHz Band, in all service areas these rates will be adjusted against Auction determined rate, when available.
 - (v) For calculating the upfront charges in the case of spectrum holding in multiple bands (900 MHz and 1800 MHz), spectrum in 1800 MHz Band will be accounted for first, towards the limit of 4.4 MHz
 - (vi) These rates shall be charged on applicable quantum of spectrum held for the balance period of license on prorate basis.
 - (vii) The charges shall be taken as non-interest bearing advance on annual basis and adjusted against the Auction determined rate, when available.
2. For CDMA spectrum holding above 2.5 MHz in 800 MHz band, order regarding the rate for one time spectrum charges with effect from 01.01.2013 shall be issued separately.

3. **Terms of payment:**

Licensees are permitted to pay in equated annual installments for the balance number of years of License (such that the last installment is payable not later than 12 calendar months prior to the expiry of the license) considering interest @ 9.75 %. The licensees shall also have option of upfront payment or prepayment of one or more installments.

4. The above order shall come into force with effect from 1st January, 2013.
5. This issues with the concurrence of DoT Finance *vide* Dy. No 1859-Adv (F) dated 28.12.2012.



(R.K. Niranjana)

Assistant Wireless Advisor to the
Government of India

Copy to:—

1. Secretary (T), All Members of Telecom. Commission.
2. Chairman, TRAI.
3. Chief Vigilance Officer, DoT.
4. DG P&T, Audit, Delhi.
5. Sr. DDG (WPF), DoT.
6. Sr. DDG (AS), DoT.
7. Director Wireless Monitoring Organization, New Delhi.
8. Director Internal Audit, DoT.
9. All Access Service Providers.

Annexure to order No. P-11014/19/2008-PP(Pt.I) dated 28.12.2012

*Schedule of Rate/MHz/Year for One time Spectrum Charges for GSM
Spectrum held by incumbent Telecom Service Providers*

(Amount in crore)

Sl. No.	LSA	1800 MHz Band		900 MHz Band	
		'A'	'B'	'C'	'D'
		Rate/MHz/ Year for Spectrum beyond 6.2 MHz for the period from 01.07.2008 to 31.12.2012	Rate/MHz/ Year for Spectrum beyond 4.4 MHz for the period from 01.01.2013 onward	Rate/MHz/ Year for Spectrum beyond 6.2 MHz for the period from 01.07.2008 to 31.12.2012	Rate/MHz/ Year for Spectrum beyond 4.4 MHz for the period from 01.01.2013 onward
1	2	3	4	5	6
1.	Andhra Pradesh	2.97	11.48	5.94	22.96
2.	Assam	0.14	0.3:5	0.28	0.70
3.	Bihar	0.29	1.86	0.58	3.72

1	2	3	4	5	6
4.	Delhi	4.92	19.41	9.84	38.82
5.	Gujarat	3.14	8.99	6.28	17.98
6.	Haryana	0.62	1.86	1.24	3.72
7.	Himachal Pradesh	0.03	0.31	0.06	0.62
8.	Jammu and Kashmir	0.06	0.25	0.12	0.50
9.	Karnataka	5.96	9.24	11.92	18.48
10.	Kerala	1.17	2.61	2.34	5.22
11.	Kolkata	2.25	4.55	4.50	9.10
12.	Madhya Pradesh	0.50	2.16	1.00	4.32
13.	Maharashtra	5.45	10.51	10.90	21.02
14.	Mumbai	5.87	19.00	11.74	38.00
15.	North East	0.06	0.35	0.12	0.70
16.	Odisha	0.14	0.81	0.28	1.62
17.	Punjab	4.37	2.69	8.74	5.38
18.	Rajasthan	0.93	1.88	1.86	3.76
19.	Tamil Nadu	6.71	12.24	13.42	24.48
20.	Uttar Pradesh East	1.30	3.05	2.60	6.10
21.	Uttar Pradesh West	0.88	4.30	1.76	8.60
22.	West Bengal	0.03	1.03	0.06	2.06

Expected growth of medium sized IT firms

1304. SHRI D.P. TRIPATHI: Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether it is a fact that medium sized IT firms expect slower growth in 2013;
- (b) if so, the details thereof; and
- (c) the steps Government is taking to help such IT firms?