DELHI POLICE

CIRCULAR ORDER NO. 28 /2013

GUIDELINES FOR SALE OF SIM CARDS, ITS ACTIVATION, DIS-CONNECTION AND LODGING OF FIR WITH THE POLICE WHENEVER AN INSTANCE OF VIOLATION OF THE GUIDELINES OF DoT ISSUED BY VIDE ITS FILE NO. 800-09/2010/VAS, DATED 09.8.2012.

INTRODUCTORY

Instances have come to notice that SIM cards are sold by retailers/service providers without verifying the documents for proof of identity and address. Anti-national and anti-social elements take advantage of the laxity in the system for acquiring SIM cards and thus avoid detection. In view of the above, the Department of Telecommunication has issued the following instructions vide its file No. 800-09/2010-VAS, dated 09.08.2010. The guidelines with regard to activation and disconnection of mobile connection and lodging of complaint/FIR in the event of violation of the guidelines are summarized below:-

ACTIVATION OF NEW MOBILE CONNECTION:

(i) The Licensee shall ensure adequate verification of each and every customer before enrolling him as a subscriber.

(ii) A passport size photograph of the subscriber should be pasted on the Customer Acquisition Form (CAF) and the documents as proof of identity (PoI) and proof of address (PoA) of the subscriber shall be attached with the CAF. The person at the Point of Sale (PoS) shall get the CAF duly filled and signed.

(iii) The authorized person at the PoS shall record in the CAF that he has seen the subscriber and match the photograph attached on the CAF with the subscriber and verify the copies of documents as proof of address and proof of identity and shall put his signature on the CAF & all attached documents (along with full name & stamp and address).

(iv) The mobile connections shall be activated only after the requirement of filling up of customer acquisition form and copies of documentary proof as per requirement have been fulfilled by the customer and the subscriber details have been updated in the subscriber database of the licensee for this purpose. The licensee (the employee of Licensee) shall verify and record on the CAF, under his name, designation and

signature that all the documentary requirement has been completed and subscriber details are updated in the database of licensee.

(v) After the activation of SIM card, the subscriber shall at least be tele-verified. It may be ensured that unless tele-verified, the subscriber is not able to make any call, except to the operator. The incoming call will remain barred before tele-verification.

(vi) Pre-activated SIM Card is not to be sold. In case of sale of pre-activated SIM cards a penalty of Rs. 50,000/- per such connection shall be levied in addition to immediate disconnection of mobile connection, as and when detected.

(vii) The Licensee shall ensure that the information about the subscribers is correctly filled in the subscriber database. The Licensee shall ensure immediate correction of entry in the database once such error is detected.

MOBILE CONNECTION TO FOREIGNER/ SHORT TIME MOBILE CONNECTION

(i) In case of foreign tourists visiting India, the copy of Passport with valid Visa stamp shall be treated as proof of identity. For proof of address, the address of local reference, which may also be that of the tour operator shall be taken. In case, there is no local reference, the address of stay (hotel etc) may be taken.

(ii) Any mobile connection issued to a foreigner should not have validity beyond the validity of the VISA. In any case the validity should not exceed 3 months at a time even if the validity of the Visa is beyond 3 months.

OUTSTATION CUSTOMERS

(i) Applications for mobile phone connections from within the licensed service area or the state/UT concerned, whichever is more encompassing, shall not be treated as outstation customers. For local reference of outstation customer, the name, address and contact phone number of local referee shall be obtained from the outstation customer, apart from the proof of address.

(ii) The local reference shall be verified telephonically at the point of sale before issue of SIM card and entry made in the CAF along with the name of local reference contacted. This will also be cross verified at the

time of activation of the connection and the name of local reference with whom the tele-verification has been done shall be recorded in the CAF by the person at PoS before activating the mobile connection.

BULK MOBILE CONNECTION:

(i) Bulk mobile connection means 10 or more than 10 mobile connections issued in a single name to individuals or a company or an organization or at any given address by all the Licensed service providers in the service area.

(ii) The Photo and identity proof of the authorized signatory shall be furnished. The authorization letter for Authorized signatory should be issued by Company Secretary/ Proprietor/any of the partner as the case may be.

(iii) In case of Foreign Missions in India, the name and designation of the authorized officer along with the details of officials for whom, the cellular mobile phone is intended.

(iv) For Bulk mobile connections, physical verification of subscriber shall be mandatory before activation of the connection. Here the subscriber means the person who has made the application for the bulk connections.

TIMELY DISCONNECTION:

(i) Whenever a CAF/connection is found non-compliant for a working mobile connection during CAF Audit, investigation by DoT/Security agencies, either proper CAF should be produced within 72 hours or else the connection be disconnected.

(ii) In all cases of failure to take timely corrective action mentioned above or disconnection, penalty of Rs. 50,000 shall be levied on each such connection in addition to the applicable penalty on non-compliance during subscriber verification audit.

(iii) A number disconnected in compliance of instructions of DoT/TERM Cell, at any stage if it is detected that the number was not actually disconnected on or before the date of confirmation/disconnection as indicated above, then a penalty @ Rs. 1000 per day from the date of intimation to the Licensee to the date of actual disconnection shall be levied in addition to the penalty for non-disconnection.

LODGING COMPLAINT/ FIR:

The Licensee shall investigate such cases at their level and take necessary action as detailed below.

(i) For use of forged documents for obtaining mobile connections, complaint/FIR may be lodged with the law enforcement agencies (police) under the relevant law. The complaint should clearly mention the information about the mobile number, type of document forged along with the details about the issuing authority, date of issue, reason for suspicion as forged document, name of the person suspected, name of subscriber/ PoS/Franchisee/Licensee.

(ii) In cases where forged documents are submitted by the subscriber and originals are also forged, police complaint/ FIR shall be lodged by the PoS/Franchisee against the subscriber within fifteen days of bringing it to the notice of the Licensee.

(iii) In case PoS/Franchisee fails to lodge complaint/FIR as above, Licensee shall lodge FIR/ Complaint against the subscriber and Franchisee/PoS within further three days.

(iv) In case where it is found that the forgery has been done by point of sale, the Licensee shall lodge the compliant / FIR against the Franchisee/ point of sale within one week and financial penalty shall be imposed.

(v) In case no action is taken by the Licensee as above or the Licensee itself is involved in forgery, TERM Cell shall lodge Complaint/ FIR against Licensee. Penalty shall be imposed on all such forged cases also.

(vi) In cases where it is found that the act of issuing connections were done by point of sale using the document of some other subscriber or any person without the knowledge of the subscriber or the person, or the documents were forged by the franchisee/PoS of Licensee, the concerned PoS/franchisee may be terminated by the Licensee.

(vii) No penalty shall be imposed on the Licensee, if the laid down process of activation/verification applicable at the time of activation has been followed and the forgery is done by the subscriber. In case where activation/verification process is not followed by the Licensee, the penalty shall be imposed even if the documents are found to be forged.

These guidelines issued by the Department of Telecommunication is being circulated for taking appropriate legal action by the concerned Districts/Units against the subscribers, retailers (franchisee), service

providers, as the case may be. It is emphasized that strong enforcement of the guidelines will lead to its observance by the retailers and the service providers and also bring about greater awareness resulting in minimization of misuse of mobile connection for furthering anti-national and criminal activities.

(S. N. SHRIVASTAVA)
SPL. COMMISSIONER OF POLICE
SPEICAL CELL: DELHI.

No. 5306-5435 /HAR(PHQ) dated, Delhi the 10.6.2013

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