

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

STARRED QUESTION NO:213

ANSWERED ON:28.03.2012

SUBSCRIBER VERIFICATION NORMS

Ananth Kumar Shri ;Singh Shri Pradeep Kumar

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) the details of the guidelines issued by the Government to the telecom operators regarding verification of identity of telephone subscribers;
- (b) whether the telecom operators who are operating in Jammu and Kashmir have complied with the guidelines for verification of identity of the subscribers and if so, the details thereof;
- (c) whether the guidelines are being flouted by some telecom operators in some of the States causing a threat to the national security;
- (d) if so, the action taken by the Government in this regard;
- (e) whether the Government is considering revision of norms/ guidelines for verification of identity; and
- (f) if so, the details thereof and the reasons therefor?

Answer

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT AND COMMUNICATIONS AND INFORMATION TECHNOLOGY
(SHRIKAPIL SIBAL)

(a) to (f) A Statement is laid on the Table of the House.

STATEMENT TO BE LAID ON THE TABLE OF THE LOK SABHA IN RESPECT OF PARTS (a) TO (f) OF LOK SABHA STARRED QUESTION NO. 213 FOR 28th MARCH, 2012 REGARDING 'SUBSCRIBER VERIFICATION NORMS'

(a) Madam, the clause regarding subscriber verification of Unified Access Services License (UASL) and CMTS licenses, inter-alia, states as under:

'The LICENSEE shall ensure adequate verification of each and every customer before enrolling him as a subscriber; instructions issued by the licensor in this regard from time to time shall be scrupulously followed.'

Accordingly, instructions have been issued by the Government to the Telecom Service Providers (TSPs) from time to time for verification of identity of prospective subscribers i.e. to obtain duly filled Customer Acquisition Form/ Customer Application Form (CAF)/ Subscriber Acquisition Form (SAF) along with Photo, Proof of Identity (PoI) and Proof of Address (PoA) at the time of enrolling them for providing the service. Broadly below detailed guidelines have been issued by the Government on customer identity verification:

- (i) No. 800-4/2002-VAS/101 dated 26.04.04.
- (ii) No. 842-488/2004-VAS/2 dated 30.11.04.
- (iii) No. 800-4/2003-VAS/112 dated 10.05.05.
- (iv) No.800-4/2003-VAS(Vol.II)/104 dated 22.11.06
- (v) No. 842-725/2005/157 dated 23.03.09.

In addition to the above, separate guidelines have been issued by the Government for verification of subscribers in J&K service area vide letter No. 842-1070/2009-AS-IV/63 dated 20.01.2010. These guidelines have subsequently been made applicable to North-East and Assam service areas vide letter No. 800-14/2010-VAS-III Vol. II dated 20.07.2010.

(b) During the periodic sample audit of Customer Application Forms (CAFs), by Telecom Enforcement Resource and Monitoring (TERM) Cell Jammu & Kashmir (field unit of DoT in J&IC). it has been found that some of the subscribers have been enrolled by mobile service providers without proper verification of identity, Approx. 1.33 Lakh CAFs have been audited on account of periodic sample audit in Jammu & Kashmir Service area in respect of calendar years 2009, 2010, 2011 & 2012. The Telecom Service Provider (TSP) wise percentage of passed samples on Photo, Identity, Address (PIA) basis and total penalty imposed for non-compliance in respect of telecom operators operating in J&K are as below given annexure.

Apart from periodic sample audit, complaint based analyses, random inspections etc. have also been carried out and non-

compliance on part of TSPs has been observed. Penalties have been imposed in such cases also as per the penal provisions.

(c) Yes, Madam. During the periodic sample audit of Customer Application Forms (CAFs), complaint based analyses, random inspections etc., by Telecom Enforcement Resource and Monitoring (TERM) Cells (field units of DoT), it has been found that some of the subscribers have been enrolled by mobile service providers without proper verification of identity.

Issue of telephone connection without verification of Identity may cause a potential threat to the national security.

(d) Penalties are imposed on non-compliant cases. Approx 1733 Crore of Rupees have been imposed as penalty for non-compliance found during periodic sample audit in respect of calendar years 2009, 2010, 2011 & 2012 throughout the country across all TSPs. Apart from periodic sample audit, penalties have also been imposed in cases pertaining to complaint based analyses, random inspections etc. as per the penal provisions. Complaints/ FIRs are also lodged in case any forgery in documents is detected.

(e) & (f) A Public Interest Litigation (PIL) has been filed by Mr. Avishek Goenka against Union of India by way of Writ Petition No. 285/2010 before the Hon`ble Supreme Court of India. This PIL seeks implementation of the subscriber verification guidelines seriously and to make physical verification compulsory for securing mobile connection. During pendency of this PIL, the Government had decided to revise the existing guidelines for verification of customer's identity. However, when these instructions were about to be issued, the Hon`ble Supreme Court during the hearing on 14.03.2011 asked the Government to file these guidelines before it and to issue the same only after clearance from the Hon`ble Supreme Court.

The matter is presently pending adjudication before the Hon`ble Supreme Court and till date clearance for issuing the guidelines has not been given by the Hon`ble Supreme Court. Pending clearance from Hon`ble Supreme Court, the subscriber acquisition by TSPs and sample verification by the TERM Cells is being continued as per the existing norms.