

**PAGE NO. – (25) ONWARDS VERY  
IMPORATANT !!**

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**(Petition under Article 32 of the Constitution of India)**

**Writ Petition (PIL) NO.                      OF 2010**

**IN THE MATTER OF:**

1.        Avishek Goenka.

-----        Petitioner

Versus

1.        Union of India  
          Through Secretary, Department of Telecom  
  
          Having its Office at Sanchar Bhawan 20,  
  
          Ashoka Road, New Delhi-110001

2.        Telecom Regulatory Authority of India (TRAI)  
          Through its Chairman, Ministry of Telecom  
  
          Mahanagar Doordarshan Bhavan,  
  
          Next to Zakir Hussain Marg,  
  
          New Delhi – 110001.

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AND, IN RE:

**PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA**

AND IN THE MATTER OF

**ARTICLE 21 OF THE CONSTITUTION OF INDIA.**

To

Hon'ble The Chief Justice and His Hon'ble Companion Justices of the  
Hon'ble Supreme Court of India.

The humble petition of  
The petitioner abovenamed.

**MOST RESPECTFULLY SHOWETH:**

1. That the present petition seeking a writ/direction(s) from this Hon'ble Court is directed against the rampant flouting of norms/regulations/guidelines related to subscriber verification by various service providers, while selling prepaid mobile connections. Because of this approach of service providers usage of mobile phones is being widely used in the commission of any criminal activity especially terrorist activities which endangers human life and national security.
2. That the Petitioner is a businessman engaged in the business of distribution of prepaid virtual and tangible calling value for mobile phone subscribers and also selling new customer acquisition packs

and following it up, by collection of customer application forms and executing tele calling, to verify customer credentials.

3. That the PIL highlights the grave issue of non-observance of norms/regulations/guidelines related to proper and effective subscriber verification by various service providers. In order to live up to the competition in the telecom sector of having the maximum subscriber base the service providers are selling the prepaid sim cards without properly verifying the address of the subscriber and thereby they are rendering the life and property of Indian Citizens and public property in the territory of India into peril and jeopardy.
4. That the Petitioner's engagement in the distribution of sim cards and related services has given him an opportunity to have a first hand experience of the ways and manners in which these norms are circumvented to suit the interests of the service providers, whose entire aim is to have as many subscribers as possible.
5. That the Respondent no. 2 is the sole highest regulatory body in the telecom sector. It has put in place the mechanism for verifications and compliances. However, non-implementation and non-effectuation of the same at the ground level by the concerned authority act as a catalyst in securing frivolous connections, which are generally used in the commission of various criminal activities including terror strikes by various outfits.

6. That the telecom sector has seen the most fundamental structural and institutional reforms since 1991. The Telecom sector has a multiplier effect on the Indian economy contributing robustly to the GDP of the nation.
7. That Indian telecom sector has grown significantly in the last few years. As per the annual report 2009-10 of DOT Indian telecom sector had about 562.21 million connections on 31<sup>st</sup> December, 2009. Indian telecom sector has become the second largest wireless network in the World after China. Copy of the relevant portion of the annual report 2009-10 of the DOT is annexed herewith as **Annexure-P/1**.
8. That Indian Telecom sector adds 15 million connections per month. Appositely 94% of the 11<sup>th</sup> target plan of 600 million connections has already been achieved at the half-way point.
9. That teledensity i.e. no. of telephones per 100 population which is an important indicator of telecom penetration in the country has increased from 2.32% in March 1999 to 47.88% in December, 2009. A chart showing the increasing teledensity is annexed herewith as **Annexure-P/2**.
10. That with this robust and sustainable growth the Indian Telecom Sector has seen introduction of many new players in the market, thereby increasing the competition. With liberalization of the sector it has become the third major sector attracting FDI inflows, which is presently 74% to 100% for various telecom services. During

November 2009-10 the total FDI inflows in telecom sector have been recorded at US\$ 2233. A chart showing the increasing FDI in telecom sector in India is annexed herewith as **Annexure-P/3**.

11. That it would not be out of place to mention here that the telecom revolution doesn't only have a sunny side to it, on the other side of the story lies a grey pasteur which indicates the use of modern telephone facility specially mobile phone in commission of various crimes including terrorists activities.

It is pertinent to mention here that the operators are not following the set guidelines/regulations/norms for subscriber verification. The said norms are only followed on papers, especially in prepaid connections. Recently in a news report published by Zee News on its website dated 11<sup>th</sup> July,2010 it was found in a survey in Jammu and Kashmir that in 65% cases of subscriber verification the present guidelines/regulations/norms are being violated by service providers. Copy of the report dated 11<sup>th</sup> July, 2010 is annexed herewith as **Annexure- P/4**.

12. That even the apex court in the case of State (N.C.T. OF DELHI) V. Navjot Sandhu @ Afsan Guru, had an occasion to see the haunted role of mobile connections in facilitating terrorist activities as it was evident from the case that almost the whole act was coordinated using mobile numbers from India.

13. That it is pertinent to mention here that as per a report; procuring illegal connections through unverified or pre-activated SIM cards, to

carry out any terrorist activity is being used widely. Copy of the relevant portion of the report highlighting use of Indian mobile number by terrorists is annexed herewith as **Annexure-P/5**.

14. That it would not be out of place to mention here that mobile phones is being used widely by criminals to communicate with their inmates outside and coordinate the commission of crimes outside. In one such incident as per a report of the Indian Express dated 15<sup>th</sup> August, 2008 it was accepted by one of the accused that they used mobile phones to get instructions from their boss who was in other jail. Copy of the report of Indian Express dated 15-8-2008 is annexed herewith as **Annexure-P/6**.

15. That the reluctance/ incompetence of TRAI in ensuring the implementation of Subscriber Verification Guidelines have lead to an alarming situation wherein securing a sim card on fake identity proof has become a penchant of the criminals/terrorists groups. As per Times of India report dated 9<sup>th</sup> September, 2009, 1 out every 6 sim card is bought on fake Id. Copy of the Times of India report dated 9-9-2009 is annexed herewith as **Annexure-P/7**.

Pertinently it may be noted that the report was based on Department of Telecom survey which interestingly goes on to reveal that verification documents for the same period of six service providers revealed a genuineness rate of 60 %to 89%.

16. That in another Times of India report dated 24<sup>th</sup> June, 2008 it was revealed that in order to increase the subscriber base thousands of

SIM cards are being sold without Id proofs. As per the report more than 40,000 SIM cards of various mobile service companies, including Idea, Vodafone, Airtel, Virgin, Reliance and Tata Indicom, are being sold every month in Ghaziabad alone and the figure for adjoining Noida and Greater Noida is estimated to be around 20,000-25,000. Copy of the Times of India report dated 24<sup>th</sup> June, 2008 is annexed herewith as **Annexure-P/8**.

17. That in the wake of competition amongst the service provider they have gone to such an abysmal standard wherein they are issuing huge numbers of sim cards against a single proof. As per a Times of India Report dated 13<sup>th</sup> June, 2009 as many as 248 mobile SIM card was issued against a single identity proof. Copy of the Times of India report dated 13 June, 2010 is annexed herewith as **Annexure-P/9**.

It would not be out of place to mention here that such an act is possible because of the present guidelines/regulations for Subscriber Verification as it requires only a photocopy of the Identity proof against which a SIM is procured. Neither there is requirement of physical verification of the identity proof of the person furnishing it by the service provider nor is the identity proof required to be verified through the issuing authority by the service provider.

18. That in one of survey done by a news agency it was pointed out that the service providers through their representatives frequently deliver pre-activated/pre-used SIM cards to the dealers. It is imperative to mention here that such pre-activation is done by either submitting fake identity proof or forged documents. Copy of the report of the news agency is annexed herewith as **Annexure-P/10**.

19. That the dealers are not provided adequate financial compensation by the service provider to cover the cost of compliance which by default ensures non compliance.
20. That some operators make it specific that physical verification is to be carried out only on consumers who appear positive and intends to get verified during the process of executing tele-calling and refrain from verifying the NON RESPONDING CONSUMERS, though their connections are activated. They also turn blind eye to the mass activation that is done from websites.
21. That the service provider does the verification in the case of a post paid connection but shrugs it off in the case of prepaid connections. It is important to mention here that the difference between both services is that of the payment mechanism and not verification procedure to be followed. Understandably, in case of Postpaid Connections, physical verification is emphasized to avoid complications during Bill Collections. Whereas as per news report in prepaid connections practically no verification is being done. Copy of one such report is annexed herewith as **Annexure-P/11**.
22. That the mobile phones are used widely in commission of various crimes especially terrorist activities. As the Commonwealth Games is scheduled in national capital New Delhi in the month of October, 2010 wherein foreign tourists and sportsperson would be visiting the National Capital and their safety is a national responsibility. The unsocial elements especially the terrorist outfits would certainly



attempt an attack during that period to tarnish the global image of our nation. Needless, to say that with such easy procurement of SIM cards on fake identity proof the use of mobile phones during such attacks for communication purpose can't be denied.

23. That the terror attacks have a castigating effect on the economy as it was seen after the attacks which rocked the Financial Capital, Mumbai in November, 2006. It would not be out of place to mention that such attack diminishes the image of India as a safe destination in the eyes of foreign investors/tourists which has a direct impact on the funds/investments coming from those quarters. Copy of an article from analyzing the corporate aftermath from Tehlka Magazine dated December, 2008 is annexed as **Annexure-P/12**.

24. That this situation arose in the backdrop of so-called '*Telecom Revolution*' wherein every service provider is trying to add and show maximum number of subscribers. The benefit of having such a number is basically two-fold; one, a big subscriber base induces the investors to invest in their (service provider) projects and at the same time by showing huge subscriber base they procure licenses to operate in more circles, thereby inducing the customers to take their services.

25. That to the knowledge of the Petitioner herein no other petition regarding this issue is pending for adjudication before any other court.

26. That by physical verification of the customers before issuance of SIM cards would certainly act as a deterrent to use mobile phones in terror attacks which would go a long way in curbing such heinous crimes against humanity and nation.

27. That no material loss would occur if Respondents make physical verification compulsory and further strictly implement the said guidelines and ensures proper verification of each and every subscriber.

28. That the omission of the Respondents has violated the fundamental rights of the Petitioner under Art. 21 of the Constitution of India in its literal meaning. Because of the absence of mandatory guidelines for physical verification and non-compliance of the verification process, telecom sector acts as a facilitator to terrorists outfit whose main aim is destruction of peace and public property.

29. That the fundamental rights on which the petitioners are inter alia relying therefore raise questions of far reaching public importance, national security and security of each and every citizen of India.

It is respectfully submitted that Right to Life can't be curtailed in any scenario and living in peaceful environment, free from fear and persistent death threat is a fundamental right of an individual. Right to implementation / compliance of a guidelines/regulation/norm is not a fundamental right but if the inevitable consequences of absence of guidelines is to curtail the fundamental right of life, in its true sense, then it is respectfully submitted that any condition for such non-

compliances which has material bearing on the life of an individual who has a guaranteed fundamental right to live in peaceful environment ( insert the case on right to peaceful leaving) will transgress under Article 21 of the Constitution.

30. This writ petition, therefore, raises a pertinent constitutional question as to how far the State can put the life of an individual to peril in the name of economic development. Whether in the name of telecom revolution, the life and property of Millions of citizens can be compromised with or not.

31. That for a while holding that the economic development is one of the features for which the concept of State exists, however in public interest the State can't act in a way which equates the life of an individual to that of economic development as it has been held in Maneka Gandhi's case that while "public interest" includes "public order", "public order" does not include "public interest".

32. That the petitioner is praying for a complete set of directions so that physical subscriber verification and the veracity of the Id. Proofs be cross-checked from the Issuing Authority of the same before providing the telecom services by issuance of sim cards may be ensured and as well as for a declaration that the procedure for verification procedure for the post paid and pre paid connections be same.

33. That it is the case of the petitioner that due to non-compulsion of physical verification procedure and the non-examination of the Id proofs from the Issuing Authority of the same, the terrorist outfits are able to procure frivolous connections and uses it for communication purposes in their effort to spread terror and tarnish the image of India which the Petitioner submits is in fact violative of Right to Life guaranteed under Article 21 of the Constitution of India.

34. That It is further the case of the Petitioner that by giving such connections the service providers are fraudulently misrepresenting their subscriber base which in turn is used by them to shore up their share value thereby doing a corporate fraud on the nation and its investor which the petitioner submits is in fact violative of fair and just market principles.

35. That on 10<sup>th</sup> June, 2010, the Petitioner, through his counsel sent a letter to the Secretary, Government of India, Ministry of Telecom and Chairman, TRAI apprising them of the situation and further requesting them to formulate guidelines for physical verification of subscriber by the Service provider before issuance of sim cards. That till today no action has been carried out by the Respondents in view of the letter sent by the petitioner. Copies of the said letters to Chairman, TRAI and Secretary, DOT are annexed herewith and marked as **Annexure-P/13(colly)**.

Copy of the receipt of the speed post of the representation to the Secretary, DOT and Chairman, TRAI is annexed herewith as **Annexure-P/14**.

36. That the Petitioner through his Counsel wrote emails dated 18<sup>th</sup> June,2010 and 27<sup>th</sup> June,2010 to the Secretary, DOT and Chairman, TRAI requesting them

to take necessary steps regarding the issue as raised in the letter of 10<sup>th</sup> June,2010 and let him know the status of the same. Copies of the emails dated 18<sup>th</sup> June, 2010 and 27<sup>th</sup> June, 2010 are annexed herewith as **Annexure-P/15(colly)**.

It would not be out of place to mention here that till date no communication has been received by the Petitioner regarding steps taken by the Respondents to contain the alarming state of affairs. In fact to the knowledge of the Petitioner the respondents has not taken any steps in the light of the letter of the Petitioner.

37. That the stark situation has arisen due to the easy go attitude of the Respondents and guidelines mandating the physical verification of a subscriber would be very helpful in containing terrorist activities.
38. That the conduct of the Respondents is causing and will cause irreparable loss to the nation in terms of nation's image and harm to its citizens' life and public property.
39. That it is extremely urgent for the Respondents to act in the interest of nation and its citizens.
40. The Petitioner has got no alternative efficacious remedy except to move before this Hon'ble court in its extraordinary Writ Jurisdiction.
41. That on any earlier occasion the Petitioner has not moved before this Hon'ble Court under Article 32 of the Constitution of India or before any high Court under Article 226 of the Constitution of India for the reliefs prayed herein.

42. Therefore, this writ petition is being filed on the following amongst other grounds.

**MOST RESPECTFULLY SHOWETH**

1. The present application is being filed seeking permission of this Hon'ble Court to bring on record certain important developments which has taken place pursuant to the filing of the present PIL.
2. That the Petitioner had filed the present Public Interest Litigation (hereinafter 'PIL') against rampant flouting of norms/regulations/guidelines related to proper subscriber verification by various service providers, while selling prepaid mobile connections. Because of this approach of service providers usage of mobile phones has become common in the commission of any criminal activity especially terrorist activities which endangers national security. In recent past in almost all the terror attacks prepaid mobile connections has been actively used for hassle free communication. The precise reason for choosing such a mode is easy availability of the same without much interference and verification of the user.
3. That in a recent survey conducted by Mumbai Police, it was revealed that 60 per cent of the 15,000 prepaid SIM cards were issued by vendors without proper verification of documents. It is pertinent to mention here that target as given by the service providers, to their retailer is one of the primary reasons for such flouting of norms. Copy of the report dated 3-10-2010 highlighting use of fake sim cards in Mumbai is annexed as **Annexure-A/1**. Page \_\_\_\_ to \_\_\_\_.
4. That on 2-10-2010, in a recent by the U.P Police, as many as 210 SIM cards issued against fake identities were seized and four people were booked Thursday in Uttar Pradesh's Bahraich district, along the

Indo-Nepal border, police said. A Special Operations Group of the Uttar Pradesh police seized the SIM cards issued by a Airtel franchisee shop in Bahraich, about 120 km from here. Moreover, the police seized 210 pre activated SIM cards of Airtel, fake stamp paper, 80 applications forms for new mobile connections with fake identities. Copy of the report dated 2-10-2010 reporting seizure of fake SIM cards in UP is annexed herewith as **Annexure-A/2**. Page \_\_\_\_\_ to \_\_\_\_\_.

5. It is evident to mention here that Govt. of India through DOT had issued a notification no. 842-725/2005/157 dated 23-3-2009, wherein it categorically banned sale of pre activated SIM cards. But, in the wake of increased competition the sale of same has increased pan India. Copy of the Notification no. 842-725/2005/157 dated 23-3-2009, banning the sale of pre activated SIM cards is annexed herewith as **Annexure-A/3**. Page \_\_\_\_\_ to \_\_\_\_\_.
6. That as per TOI, report dated 3-11-2010, in November, 2009, the DOT had asked telecom operators to complete re-verification of its subscribers over a window of one year starting from November 1, 2009 and had fixed October 31 as the deadline. However, this deadline had been extended to 31<sup>st</sup> December, 2010. Copy of The Times of India report dated 3-11-2010 extending the deadline for re-verification is annexed as **Annexure-A/4**. Page \_\_\_\_\_ to \_\_\_\_\_.

It is imperative to mention here that the said re-verification is done as per existing subscriber verification guidelines; which is not able to serve its purpose and is capable of being easily flouted. Moreover,



the said verification is done by the service providers themselves, which makes the whole exercise of re-verification a futile exercise.

7. That as per Times of India report dated 13<sup>th</sup> August, 2010, task force investigators in Hyderabad busted an illegal SIM card issuing racket and apprehended five persons, including three distributors of service providers. During simultaneous searches conducted on telecom distributors and retailers at Ram Nagar X Road, Nallakunta, Secunderabad, police seized eight Vodafone, 32 Reliance, seven Airtel, eight Idea, 39 Tata Docomo, 10 Aircel pre-activated SIM cards, blank Customer Application Forms (CAFs) affixed with photographs of unknown persons, 473 passport size photographs, photocopies of ID and residence proofs like ration cards and driving licences. It is pertinent to mention here that the retailers and distributors have been using supporting documents and application details of genuine customers to issue pre-activated SIM connections to those without any kind of proof by charging exorbitant amounts. Moreover, the irregularities have been brought to the notice of DOT. Copy of the Times of India report dated 13-8-2010 reporting illegal SIM racket is annexed herewith as **Annexure-A/5**. Page \_\_\_\_\_ to \_\_\_\_\_.
8. That in yet another report dated 26<sup>th</sup> June, 2010 the Mysore city police had unearthed a racket in which fake documents were used for issuing SIM cards of a leading mobile service provider. The police have found that SIM card dealers were misusing valid documents such as address proof of subscribers for issuing SIM cards, mostly pre-activated ones, to other customers. Such malpractices were

committed allegedly to promote their business interests and meet targets set by the company. Moreover, said the dealers were duplicating subscribers' documents for issuing SIM cards to those who failed to provide documents for getting mobile phone connections. Furthermore, pre-activated SIM cards with a talk time more than the value at which they were proposed to be sold were also found. Copy of the report dated 26<sup>th</sup> June, 2010 showcasing the sale of pre activated SIM is annexed as **Annexure-A/6**. Page \_\_\_\_\_ to \_\_\_\_\_.

9. That in another report dated 22-10-2010, in a sting operation carried out by Headlines Today revealed how many vendors in Mumbai compromise safety for a price ignoring the government's direction meant to check anti-social elements from procuring a mobile phone connection. The reporter induced to give the retailer to give him SIM card on fake Id which was provided to him easily. Copy of the report dated 22-10-2010 highlighting sting operation carried out by Headlines Today is annexed as **Annexure-A/7**. Page \_\_\_\_\_ to \_\_\_\_\_.

10. That as per a report dated 25-9-2010, posted on website of CNN-IBN 75% SIM cards in Mumbai is sold on fake Id. In a small exercise undertaken by the Mumbai Police, over 12,000 prepaid numbers were selected randomly from across networks. It was found that over 75 per cent of these were procured using bogus documents. In most cases it was found that the address proof and the photographs submitted were invalid. While clear rules for activation have been laid down, the primary onus of verification lies on the service

provider. Copy of the report report dated 25-9-2010, posted on website of CNN-IBN 75% SIM cards in Mumbai is sold on fake Id is annexed as **Annexure-A/8**. Page \_\_\_\_\_ to \_\_\_\_\_.

11. That in yet another Times of India report dated 19-11-2010 it is highlighted as to how the documents of one person are used for issuing SIM card to another person. It is also highlighted that how the companies are issuing pre activated SIM card. Copy of the Times of India report dated 19-11-2010 it is highlighted as to how the documents of one person are used for issuing SIM card to another person is annexed as **Annexure-A/9**. Page \_\_\_\_\_ to \_\_\_\_\_.

12. That as per report of The Hindu dated 2-8-2010 misuse of address proof documents by retail SIM card dealers in Bangalore was highlighted. Also the availability of pre-activated SIM cards at a throwaway price without submitting any proof of identity in gross violation of Department of Telecom (DoT) guidelines was highlighted. Instead of recharging their mobile phones with currency, a large number of customers are now opting for new schemes that offer a pre-activated SIM card with talk time worth Rs. 40 for just Rs. 20. Copy of the report of The Hindu dated 2-8-2010 showcasing misuse of address proof documents by retail SIM card dealers in Bangalore is annexed as **Annexure-A/10**. Page \_\_\_\_\_ to \_\_\_\_\_.

13. That the norms on subscriber verification are being flouted pan India by the service providers. In the wake of increased competition issuance of SIM cards on fake Id, issuance of pre activated SIM cards has become a precondition for the providers to sustain their market share.

It is important to mention here that non verified and/or pre activated mobile SIM card and/or mobile SIM cards activated on false documents, are live weapons, partnering in every crime, be it making anonymous calls to females or making extortion calls or sending text messages and e-mails not to mention of terrorism. In fact they have become a deterrent to, peacefull civic existence, by becoming a legal weapon for those criminally inclined !! While government is talking of banning e-mail service providers whose data cannot be intercepted but if at all they cannot verify the location and identity of the sender most of the advantage of such an exercise will be evened out !! Moreover, subscriber base is a criteria for allocation of spectrum which is a highly indispensable ingredient in mobile service operation. The fact of compromise in security in name of business should be highlighted but actually terrorism and crime contribute more adversely to economy then slow down in addition of new fake telecom consumers. Furthermore, multiple communication with criminal intent is facilitated due to, absence of apprehension, of the fear of being tracked down, for the right identity and address.

14. It is under these circumstances that the present application is being filed to bring on Record the annexure annexed to this application.

15. That the present application is being filed bonafide and in interest of justice.

**MOST RESPECTFULLY SHOWETH**

1. The present application is being filed seeking permission of this Hon'ble Court to bring on record certain important developments which has taken place pursuant to the filing of the present PIL.
2. That the Petitioner had filed the present Public Interest Litigation (hereinafter 'PIL') against rampant flouting of norms/regulations/guidelines related to proper subscriber verification by various service providers, while selling prepaid mobile connections. Because of this approach of service providers usage of mobile phones on fake ID is used widely in commission of any criminal activity especially terrorist activities which endangers the life of citizens. The precise reason for choosing such a mode is easy availability of the same without much interference and verification of the user.
3. That as per a report by the economic times dated 14-10-2010, the Govt. had proposed draft norms, which envisages a new delivery model which envisaged non-delivery of SIM cards at the point of sale; but, the same be mailed by service providers to the customer separately with a personal identification number to the subscriber. It also seeks that all service providers must re-verify all the existing subscriber. In short, it envisages physical verification of each subscriber. Copy of the report of economic times dated 14-10-2010 highlighting the proposed norms for service providers in telecom sector is annexed as **Annexure-A/1**.

It is imperative to mention here that as soon as the draft norms were circulated across the board, there was a huge uproar amongst the

telecom service providers; as to their mind if the draft norms are implemented, it will topple down the whole 'misconceived' growth story of telecom sector in India. However, since then, the Govt. had been buying time, and no substantial development had taken place in that direction.

4. That physical verification of the subscriber is done by the companies for post paid subscriber, without any guidelines to that effect . It is important to mention here that the basic difference the two modes of service is only the payment module i.e. in a post paid connection the subscriber gets a credit (depending on his usage etc) for a month, wherein in a pre paid connection the subscriber pay before using the service.
5. That the whole purpose of having a SIM card, which is actually 'Subscriber Identity Module', gets frustrated if it is bought/sold on a fake ID. A SIM card on a fake ID can have dire consequences, and is a menace to the peace and tranquility of the nation. SIM card on fake Id or pre-activated SIM cards on fake documents are also contributing to crimes like extortion - harassing women with unsolicited calls etc. and hence is partnering in every type of crime. It would not be an overstatement to call them a live weapon for crime which if not regulated, will lead to alarming adverse implications.
6. That it is worthwhile to mention her that SIM cards on fake Id had not been only used to for communicating and executing terror attacks, but is also used by the terrorist groups to send threat mails. As reported by the Hindustan times dated 1-11-2010, an IM operative sent a threat mail to a news agency, using a SIM card on the name

of a housewife from Borivali, Mumbai. Moreover, even if the source of such are traced by the investigating agency it predominantly leads to a wrong person having no connection whatsoever, with any terror groups. Copy of the report of the Hindustan times dated 1-11-2010, highlighting use of SIM card on fake ID for sending a threat mail to a news channel is annexed herewith as **Annexure-A/2**.

7. That it is important to mention here that terror attacks not only harm the peace and tranquility of the nation, but also harm the economy as a whole. More than that, political and economical implication on international level is always apparent after a terror attack.

It is important to mention here that as per a report of a news agency dated 11-12-2008, titled 'Terrorist Attacks will further weaken a slowing Indian economy' aptly outlined the overall impact of a Mumbai terror attack on the nation. It highlighted the report of The Indian Council for Research on International Economic Relations (ICRIER) which analysed an estimate of the contribution of "external shocks" such as the financial crisis and the terror attacks. As per their analysis India would have grown 7.5% this year -- a slowdown from 9% in 2007-08 -- had the global crisis not occurred, says Kumar. In the first half of next year, the economy would have grown below 7% in the absence of the external crisis. Copy of the report dated 11-12-2008 highlighting the impact of Mumbai terror attacks on India is annexed herewith as **Annexure-A/3**.

8. That as per guidelines for auction and allotment of spectrum for 3G spectrum issued by DOT, WPC wing dated 1-8-2008 subscriber base is the benchmark for ascertaining the seniority for allotment of

amount of spectrum. It is worthwhile to mention that this is one of primary reasons for selling on fake Id and thus as it helps them to falsely inflate the subscriber base and thus making them eligible for more amount of spectrum. Copy of the guidelines for auction and allotment of spectrum for 3G spectrum issued by DOT, WPC wing dated 1-8-2008 is annexed herewith as **Annexure-A/4**.

9. That procuring sim on correct ID will not only serve the purpose of having a, which is actually a Subscriber Identity module, but will also act as an deterrent in terrorist activities by breaking the means of communication, and will be extremely helpful in tracking criminals and their antecedents.
10. It is under these circumstances that the present application is being filed to bring on Record the annexure annexed to this application.
11. That the present application is being filed bonafide and in interest of justice.

**MOST RESPECTFULLY SHOWETH**



1. The present application is being filed seeking permission of this Hon'ble Court to bring on record certain important developments which has taken place pursuant to the filing of the present PIL.
2. That the Petitioner had filed the present Public Interest Litigation (hereinafter '**PIL**') against rampant flouting of norms/regulations/guidelines related to proper subscriber verification by various service providers, while selling prepaid mobile connections. The Govt. had been lackadaisical in its approach to contain this menace. Because of this approach of service providers usage of mobile phones has become common in the commission of any criminal activity especially terrorist activities which endangers national security. In recent past in almost all the terror attacks prepaid mobile connections has been actively used for hassle free communication. The precise reason for choosing such a mode is easy availability of the same without much interference and verification of the user.
3. That the Petitioner herein made a query under the Right To Information Act, 2005 (hereinafter '**RTI Act**') to the Crime Record Bureau, Chennai regarding the nature of crimes that are being aided by prepaid mobile connection activated through false documents. The Police dept. in a disquieting reply named perhaps all types of possible crimes which are being committed using mobile connections on false identity. Copy of the reply dated 15-12-2010 by the ACP, Crime Record Bureau, Chennai is annexed herewith as **Annexure-A/1**.

4. That the instant Petitioner made a specific query under RTI Act, 2005 to DOT and Ministry of Home Affairs regarding nature of crimes which are being committed using mobile connections. The Ministry of Home Affairs in its reply dated 21-12-2011 passed on the buck on DOT by replying that the query pertains to the domain of DOT, whereas the DOT in a similar reply dated 12-1-2011 said that the query pertains to the realm of Ministry of Home Affairs. **The reply of TRAI dated 27-12-2010, to the similar query was equally contradicting wherein it categorically said that the issue can be answered by DOT.** Copy of the reply of Ministry of Home Affairs dated 21-12-2011; DOT reply dated 12-1-2011 and reply of TRAI dated 27-12-2010 wherein each have passed the buck to another is annexed herewith as **Annexure-A/2 (colly)**.

5. That as per the DOT's order issued in November, 2009 the service providers were required to re-verify the identity of existing mobile users. However, it is pertinent to mention here that DOT in its letter dated 8-2-2010 had itself accepted that the service providers doesn't have any mechanism to verify the veracity of the documents on which a connection is procured. It is humbly submitted that re-verification done by the service providers is nothing more than an eye wash and is an exercise to circumvent the law. Copy of the relevant part of the letter dated no. 1-34/2009-SI dated 8-2-2010 is annexed herewith as **Annexure-A/3**.

**It is pertinent to mention here that in one of the times of India report dated 8-1-2011 the DOT itself admitted that the due to high competition the SIM cards itself is used as recharge coupons, which**

is a very significant development. Moreover, the TERM cell which is responsible for sample verification of the veracity of the documents submitted by the subscriber itself categorically mentioned that many subscriber furnish fake driving license for getting connection and TERM cell is unable to verify them as the Dept. which is alleged to have issued it never answers their queries. This is Res ispa Locquitor which conclusively proves that the current document based subscriber verification drive (carried out by none other than operators who are sabotaging security parameters for their profits) is an exercise full of flaws. Furthermore, proper verification of subscriber attains highest importance in a country like India where ratio of police personnel to that of the population is even worse than its neighbouring underdeveloped countries. Copy of the Times of India report dated 8-1-2011 highlighting how the current re-verification is carried out is annexed as **Annexure-A/4**.

6. It is pertinent to mention here that DOT has Telecom Enforcement, Resource and Monitoring (TERM) Cells which were made to ensure that service providers adhere to the licence conditions and for taking care of telecom network security issues. It is this cell which perform sample audit for subscriber verification. However, it is imperative to point out that as per Times of India report dated 14-1-2011 there is huge shortage of staffs at its Kolkata office and the situation is so stark that it has not been able to do even the sample survey from last 7-8 months. Copy of the times of India report dated 14-1-2011 is annexed herewith as **Annexure-A/5**.

7. That as per Times of India report dated 19-1-2011 the service providers were supposed to complete the re-verification of the existing customers by 19-1-2011. However, in order to circumvent the deadline the telecom operators had advised the users to go for large recharge which will give them the benefit of not being disconnected even if their verification is not done by the companies. Copy of the Times of India report dated 19-1-2011 highlighting the way the service providers are circumventing the whole re-verification process is annexed herewith as **Annexure-A/6**.
8. That as per Times of India report in a recently held Chief Ministers conference the CMs of 3 north eastern states have categorically demanded ban on prepaid mobile connections for security reasons. Copy of the Times of India report wherein CMs seek ban on prepaid mobile is annexed herewith as **Annexure-A/7**.
9. That the present application is being filed bonafide and in interest of justice.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. NO. \_\_\_\_\_ OF 2010

IN

Writ Petition (Civil) 285 of 2010

IN THE MATTER OF

Avishek Goenka ...Petitioner

Vs.

Union of India and Anr . ...Respondents

And

IN THE MATTER OF

Avishek Goenka ...Applicant

AN APPLICATION SEEKING PERMISSION TO BRING

ADDITIONAL DOCUMENTS ON RECORD

To,

THE HON'BLE CHIEF JUSTICE

AND HIS COMPANION JUSTICES OF THIS HON'BLE

COURT

HUMBLE APPLICATION ON  
BEHALF THE APPLICANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH

1. The present application is being filed seeking permission of this Hon'ble Court to bring on record certain important developments which has taken place pursuant to the filing of the present PIL.
2. That the Petitioner had filed the present Public Interest Litigation (hereinafter 'PIL') against rampant flouting of norms/regulations/guidelines related to proper subscriber verification by various service providers, while selling prepaid mobile connections. The Govt. had been lackadaisical in its approach to contain this menace. Because of this approach of service providers usage of mobile phones has become common in the commission of any criminal activity more specifically terrorist activities

which endangers national security. In recent past in almost all the terror attacks prepaid mobile connections has been actively used for hassle free communication. The precise reason for choosing such a mode is easy availability of the same without much interference and verification of the user.

1] That the petitioner made a query under right to information act-2005, regarding the nature of crimes that are being aided by prepaid mobile connections (activated through false documents or pre activated) to Mumbai Police !!

The police department through the following police stations - kherwadi/Bandra Kurla complex/Vakola/Vile parle/Khar, listed crimes ranging from - cheating/forgery/extortion and also have categorily stated that - not only it hides the identity of the individual facilitating a crime, but also aids in commencement of all forms of crime. Copy of RTI. replies dated (18/01/2011 to 21/01/2011) by the Sr. Inspector of Police of respective police stations are annexed herewith as **(Annexure-A/1, colly)**.

2] That the petitioner made a query under right to information act-2005, regarding the status of the instructions on verification of new mobile subscribers (Prepaid and Postpaid) dated (14/03/2011) no. (800-39/20010-vas) issued in supersession of all previous instructions and were to be



Effective for three months from date of issue and was duly presented to the court as a new verification policy of the customer, before enrolling him as a subscriber. In a shocking reply that was received from, Mr. Vinod Kumar, Director (AS-2)/cpio, department of telecommunications on - (02/09/11) stated that, the above policy no - (800-39/20010-vas) which was submitted in the court on (14-03-11) has not been issued to telecom service providers till date. Copy of Rti. reply dated (02/09/2011) by Mr. Vinod Kumar, Director (AS-2)/Cpio, Department of Telecommunication is annexed herewith as **(Annexure-A/2)**.

3] That the petitioner made a query under right to information act-2005, regarding, the percentage of active mobile subscribers in India, to telecom regulatory authority of India and against the query a reply was received on - (22-09-11) stating that, for the quarter (April to June-2011) the percentage of active subscribers was (70.53%/69.99%/69.83%) ie. (30%) of telecom subscribers are inactive. Copy of Rti. reply dated (22/09/2011) by Mr. D.P.S. Rajesh, Cpio, Trai. is annexed herewith as **(Annexure-A/3)**.

4] That the petitioner made a query under right to information act-2005, regarding, the basis of determining a active subscriber and against that, telecom regulatory authority of India replied on (22-09-11) stating that, any subscriber who uses the service even once in a month, is categorised as an active subscriber. Copy of Rti. reply dated (22/09/2011) by Mr. D.P.S. Rajesh, Cpio, Trai. is annexed herewith as **(Annexure-A/4).**

5] That the petitioner made a query under right to information act-2005, regarding, the controller and auditor general of India report that - allocation of extra spectrum to incumbent gsm. Operators beyond contracted limit had caused a notional loss of (37000) crores to the exchequer.

The report was extended on - (18-11-2011) through covering letter no. (legal/f-264/rti act/206) and in page (49-para,4.10) the complete calculation of the cag. is mentioned. Copy of Rti. reply dated (18/11/2011) by Ms. Sudha Ranjan, Dir. & Cpio, D.G.A.P.T. is annexed herewith as **(Annexure-A/5 colly).**

6] That the petitioner made a query under right to information act-2005, regarding, the views of home

ministry (since mobile verification is linked to national security) on the instructions on verification of new mobile subscribers (Prepaid and Postpaid) dated (14/03/2011) no. (800-39/20010-vas) issued in supersession of all previous instructions and were to be effective for three months from date of issue and was duly presented to the court as a new verification policy of the customer, before enrolling him as a subscriber. However - department of telecommunication; telecom regulatory authority of India and home ministry all have evaded responsibility and the same is evident from the following replies -

A) Dt.18-08-11, Mr.V.Vumlunmang, Dir. Int.sec.1, of home ministry, transferring the query to dot.

B) Dt.02-09-11, Mr.Vinod Kumar, Dir.as.2, of dot., transferring the query to trai.

C) Dt.12-09-11, Mr.DPS.Rajesh, cpio. Of trai., transferring the query to dot. Copy of Rti. replies dated (18/08/2011 to 12/09/2011) by the authorities are annexed herewith as **(Annexure-A/6, colly)**.

07] That the petitioner made a query under right to information act-2005, regarding, availability of ration cards to - ministry of consumer affairs, food and public

distribution and it was confirmed that - a total of (2402.45 lakh) ration cards have been issued to below poverty line families. Copy of Rti. reply dated (25/10/2011) by Mr. Nitish K. Sinha, Dir. & Cpio, Dept. of Food & Public Distribution is annexed herewith as **(Annexure-A/7)**.

08] That the petitioner made a query under right to information act-2005, regarding, availability of voter identity cards to - election commission and it was confirmed that - a total of (65,62,89,725 crore) voter identity cards covering (90.06%) of electors, have been issued to citizens of the country. Copy of Rti. reply dated (02/11/2011) by Mr. Ajoy Kumar, Under Secretary & Cpio, Election Commission is annexed herewith as **(Annexure-A/8)**.

09] That the petitioner made a query under right to information act-2005, regarding, eligibility of documents other than voter identity cards, to election commission and it was confirmed that - (12) additional documents make an individual confirm his/her identity. Copy of Rti. reply dated (02/11/2011) by Ajoy Kumar, Under Secretary & Cpio, Election Commission is annexed herewith as **(Annexure-A/9)**.

10] Instructions on verification of new mobile subscribers (Prepaid and Postpaid) dated (14/03/2011) no. (800-39/20010-vas) issued in supersession of all previous instructions and were to be effective for three months from date of issue and was duly presented to the court as a new verification policy of the customer, before enrolling him as a subscriber - is not in spirit of the undertaking given by the honoured solicitor general to the honoured court on (04-10-10) that the Government has conveyed a meeting of all service providers to finalise new Verification norms for applicants of new sim. Card.

The policy in no way addresses the primary prayer of verifying the address of the applicant of new pre paid mobile connection and instead is a eye wash - which has been created by merely copy pasting the clauses of earlier document based policies and the same has been very well depicted by comparing the clauses of new policy with those of older ones. **(Annexure-A/10).**

11] That the present application is being filed bonafide and in interest of justice.

Prayer

1. Allow the present application and allow the applicant to bring additional documents/facts on record vide Annexure A/1-Annexure-A/10.
2. Instruct the Telecom Ministry to implement its earlier draft proposal which was finalized in consultation with Home Ministry in October – 2010, to deliver Prepaid sim. cards, through Registered Postal Service of India Post, to the specified addresses of the applicants for prepaid mobile service.
3. Allow us to present before the honourable court a CD. showing how document base verification norms are manipulated across multiple cities of India. The CD. is dated (14/09/2011) and duration is (42.10) minutes and has been telecast by the News Channel – Aaj Tak.
4. Pass any other order as the Court deems fit. And for this Act of Kindness the applicant shall ever pray.

Drawn & Filed by

Mr. Avishek Goenka.(Petitioner)

Filed on Dated this day \_\_\_ of December, 2011.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. \_\_\_\_\_ OF 2011

IN

Writ Petition (PIL) 285 of 2011

IN THE MATTER OF

Avishek Goenka

...petitioner

Vs.

Union of India and Anr

...respondents

AFFIDAVIT

I, Avishek Goenka, Son of Shree Ashok Goenka, Hindu aged about 34 years having office at, do hereby, solemnly affirm and state as under:-

1. That I am Petitioner in the present case as such well conversant with the facts and circumstances of the present case and hence, competent to swear the present I.A.



2. That I have gone through the contents of the present I.A. and I say that the same are as true and correct to the best of my knowledge and based on available records. Annexure are true copies of its original.

Verification

Verified at Kolkata on this \_\_ day of December, 2011 that the contents of the above affidavit are true and correct to the best of knowledge and belief. Nothing material has been concealed therefrom.

Deponent

Application of the applicant	Mr. Abhishek Goenka
Address	
Subject	Queries under right to information, regarding prepaid mobile connections.
<p>Discription of the Information required :-</p> <p>What are the nature of crimes, which are being aided, by a pre activated mobile phone connection {activated {without and/or verification of } documents } or a mobile phone connection,</p>	<p>Use of mobile phones activated on false documents to an offence of cheating &amp; forgery, further use of such phone hides, The identity of user person thus use of such phone helps in committing continuing of all offences under different prevalent acts</p>

activated through false documents ?	
-------------------------------------	--

Sr. Inspector of Police,

Kherwadi Police Station, Mumbai

(ANNEX. – 1) Page - 16

B.K.C. POLICE STATION

Date – 21/01/2011.

Information Required	Information Provided
Name & Address of The Applicant.	
Period of Information	No Period
Subject matter of information required	
What are the nature of crimes, Which are being aided by a pre activated mobile phone connection [activated{without and /or verification of} documents] or a mobile phone connection Activated through false documents?	Use of mobile phone activated on false documents amounts to an offence of cheating and forgery further use of such phone hides, The identity of user person Thus use of such phone helps in committing, continuing of all offences under different prevalent

	acts
--	------

(ANNEX. – 1)Page - 18

Vakola Police Station, Mumbai.

Information under the Right to Information Act-2005

Applicant- Avishek Goenka.

Sr.	Particulars of information.	Answer.
01	Name of the applicant	Shri. Avishek Goenka
02	Address of the applicant	
03	Particulars of information required-	-
	What are the nature of crimes, which are being aided, by a pre activated mobile phone connection (activated{withour and/or verification of} documents) or a mobile phone connection, activated through false documents ?	The nature of crimes, which are being aided, by a pre activated mobile phone connection (activated {without and/or verification of} documents) or a mobile phone connection;

		<p>activated through false documents, are as be given below 1) Extortion 2) Cheating</p>
--	--	--

Santacruz (E) Mumbai

Dated – 18/01/2011

Sr. Inspector of Police

Vakola Police Station, Mumbai

(ANNEX. – 1) Page - 20

Vile Parle Police Station, Mumbai

Sub; - Right to Information Act-2005

Sr.	QUESTION	ANSWER
-----	----------	--------

No.		
1)	Full Name of the applicant	Avishek goenka
2)	Address	
3)	Particulars of the information required	The nature of crimes, which are being aided, by a pre activated mobile phone connection [activated {without and/or verification of} documents] or a mobile phone connection, activated through false documents are :-
	What are the nature of crimes, which are being aided, by a pre activated mobile phone connection [activated {without and/or verification of} documents] or a mobile phone connection, activated through false documents?	1) Extortion 2) Cheating

Sr. Inspector of Police

Vile Parle Police Station,

Mumbai



(ANNEX. – 1) Page - 22

Khar Police Thane, Mumbai.

Date 24/01/2011

1	Name of the applicant	Avishek Goenka
2	Address	
3	Perticular of Information	Cheating & Forgery

	<p>What are the nature of crimes which are being aided, by a pre activated mobile phone connection (activated without and /or verification of documents) or a mobile phone connection. Activated through false documents ?</p>	<p>However no such nature of crimes is registered with Khar Police Station.</p>
	<p>1. Duration of the period</p>	<p>Not mentioned</p>

(ANNEX. – 1) Page - 23

Senior Police Officer, Khar Police Thane, Mumbai

(ANNEX. – 2) Page - 24

Government of India

Ministry of Communications &IT

Department of Telecommunications

Sanchar Bhawan, 20 Ashoka Road

New Delhi-110001

Dated 2.9.2011

No. 800-11/2010-VAS-III

Shri Avishek Goenka

Sub: Seeking information under the RTI Act, 2005.

Please refer to your Application dated 9.8.2011 addressed to Director (AS-II)&CPIO including to Director (AS-IV)&CPIO, Director(AS-III)&CPIO, Director (S-

(ANNEX. – 2) Page - 25

II)&CPIO, Director(AS-II)&CPIO and Director (IS-I) MHA &CPIO received in this office dated .12.8.2011,17.8.2011,19.8.2011,23.8.2011 and 2.9.2011 respectively. In this connection, with reference to information sought through para -4 of the RTI application, it is stated that the referred letter No.800-39/2010-VAS dated 14.3.2011 has not been issued to Telecom Service Providers till date.

(VINODKUMAR)

Director (AS-II)/CPIO

Copy to :

- 1 Shri Sunil Kumar Singhal, Director (AS-IV)  
&CPIO w.r.t. 842-1197/2011/AS-IV dated  
17.8.2011,

(ANNEX. – 2) Page - 26

- 2 Shri Rajeev Kumar, Director (AS-III) &CPIO  
w.r.t. 16-1/2011-AS-III/RTI/(Vol-II)/571 dated  
16.8.2011
  
- 3 Shri R. Shakya , Director(S-II) &CPIO w.r.t. 18-  
4/2011/S-II dated 23.8.2011.
  
- 4 Shri Amarendra Singh, Under Secy. MHA Delhi.  
W.r.t. No.A-43020/01/2011-RTI dated  
24.8.2011.

(ANNEX. – 3) Page - 27

URGENT MATTER

UNDER RTI ACT

TELECOM REGULATORY AUTHORITY OF INDIA  
MAHANAGAR DOORSANCHAR BHAWAN, JAWAHAR  
LAL NEHRU MARG,  
(OLD MINTO ROAD), NEW DELHI – 110002

FAX: +91 11 23230204

No.1(330)/2011-RTI DATED the 22 September,2011

To,

Shri Avishek Goenka

SUBJECT: REQUEST FOR SUPPLY OF  
INFORMATION UNDER THE PROVISIONS OF THE  
RIGHT TO INFORMATION ACT, 2005.

(ANNEX. – 3) Page - 28

Sir,

Kindly refer to your application dated 31.08.2011 addressed to CPIO, TRAI and a copy of an identical application of yours dated 21.08.2011 received through Director (AS-II) & CPIO, vide their letter No. 800-11/2010-VAS-III dated 02.09.2011, seeking information under the provisions of the right to information Act, 2005. In the context of the queries raised in your said RTI applications, the following information is furnished:

Issues in Application dated 31.08.2011	Issues in Application dated 21.08.2011	Reply
A & B	Nil	The information sought by you in these paras pertains to Department of Telecommunication (DoT). A copy of your above said application has already been forwarded to the Director (AS-II) in terms of Section 6 (3) of the RTI Act, 2005 vide this office letter No.



		1(330)/2011-RTI dated 12.09.2011, under intimation to you.
C1	A	Date is not collected on weekly basis.
C2	B	The percentage of active subscribers for April, May & June 2011 is 70.53%, 69.99% and 69.83% respectively
C3	C	The reporting standard of mobile companies for determining active subscribers, as per VLR figures is monthly.

(ANNEX. – 3)

No. 1(330)72011-RTI

Page No. 2

2. The Appellate Authority in this regard to whom an appeal can be made within 30 days of receipt of this letter is "Smt. Anuradha Mitra, Pr. Advisor (FA&IFA)", Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan, Jawaharlal Nehru Marg, Old Minto Road, New Delhi-110002, Tele: 011- 23221856, Fax : 011-23235249".'

Yours faithfully

(D.P.S. Rajesh)

Central Public Information Officer

Tele: 011-23211622

(ANNEX. – 3) Page - 31

Copy to ;-

Shri. Vinod Kumar Director (AS-II) Room No. 1202 Sanchar Bhawan, 20 Ashoka Road Department of Telecommunication Ministry of Communications & IT New Delhi-110 001	For information please w.r.t. your letter No. 800-11/2010-VAS-III dated 02.09.2011
--	---

(ANNEX. -4) Page - 32

URGENT MATTER

UNDER RTI ACT

TELECOM REGULATORY AUTHORITY OF INDIA  
MAHANAGAR DOORSANCHAR BHAWAN, JAWAHAR  
LAL NEHRU MARG,  
(OLD MINTO ROAD), NEW DELHI – 110002

FAX: +91 11 23230204

No.1(330)/2011-RTI DATED the 22 September,2011

To,

Shri Avishek Goenka

SUBJECT: REQUEST FOR SUPPLY OF  
INFORMATION UNDER THE PROVISIONS OF THE  
RIGHT TO INFORMATION ACT, 2005.

(ANNEX. - 4) Page - 33

Sir,

Kindly refer to your application dated 31.08.2011 addressed to CPIO, TRAI and a copy of an identical application of yours dated 21.08.2011 received through Director (AS-II) & CPIO, vide their letter No. 800-11/2010-VAS-III dated 02.09.2011, seeking information under the provisions of the right to information Act, 2005. In the context of the queries raised in your said RTI applications, the following information is furnished:

Issues in Application dated 31.08.2011	Issues in Application dated 21.08.2011	Reply
A & B	Nil	The information sought by you in these paras pertains to Department of Telecommunication (DoT). A copy of your above said application has already been forwarded to the Director (AS-II) in terms of Section 6 (3) of the RTI Act, 2005 vide this office letter No.

		1(330)/2011-RTI dated 12.09.2011, under intimation to you.
C1	A	Date is not collected on weekly basis.
C2	B	The percentage of active subscribers for April, May & June 2011 is 70.53%, 69.99% and 69.83% respectively
C3	C	The reporting standard of mobile companies for determining active subscribers, as per VLR figures is monthly.

(ANNEX. – 4)

No. 1(330)72011-RTI

Page No. 2

2. The Appellate Authority in this regard to whom an appeal can be made within 30 days of receipt of this letter is "Smt. Anuradha Mitra, Pr. Advisor (FA&IFA)", Telecom Regulatory Authority of India, Mahanagar Doorsanchar Bhawan, Jawaharlal Nehru Marg, Old Minto Road, New Delhi-110002, Tele: 011- 23221856, Fax : 011-23235249".'

Yours faithfully

(D.P.S. Rajesh)

Central Public Information Officer

Tele: 011-23211622

(ANNEX. – 4) Page - 36

Copy to :-

Shri. Vinod Kumar Director (AS-II) Room No. 1202 Sanchar Bhawan, 20 Ashoka Road Department of Telecommunication Ministry of Communications & IT New Delhi-110 001	For information please w.r.t. your letter No. 800-11/2010-VAS-III dated 02.09.2011
--	---



(ANNEX. – 5) Page - 37

Legal/F-264/RTI Act/206

No. ....

OFFICE OF THE

Director General of Audit, Post & Telecommunications

Sham Nath Marg, (Near Old Secretariat), Delhi-110402

To,

Date : 18.11.2011

Shri Avishek Goenka

Subject: Information sought under RTI

Act'2005.

Sir,

This is with reference to your letter dated 30.10.2011 regarding copy of the report regarding Issue of Licenses and Allocation of

(ANNEX. – 5) Page - 38

2G Spectrum. Since cost of the report has now been received kindly find enclosed

herewith the above stated report for your information.

The Appellate Authority is Ms. Revathi Bedi, Director General of Audit (P&T) and appeal can be filed under Section 19 (1) of RTI Act.

Yours faithfully,

Sudha Ranjan

Director (HQrs.) & CPIO

(ANNEX. – 5) Page - 39

Telephone : 23812666, 23814533 Telegram: CENOFF,

DELHI FAX: +91-011-23813822

(ANNEX. – 5) Page - 40

(4.10) Value of spectrum allocated beyond the contracted quantity

It was noticed in audit that 9 operators as per the details in the box, were

allotted spectrum beyond the upper limit laid down in the UASL agreement. Thus while the DoT, on one hand, was not processing pending applications for licence due to non availability of spectrum, on the other hand it was allotting spectrum to existing operators beyond the contracted limit without

Name	Amount of additional spectrum (MHz)	No. of Circles
Aircel	3.6	1
Bharti	32.4	13
BPL (Mumbai)	3.8	1
BSNL	61.6	19
IDEA	12.6	6
MTNL (Delhi &	12.4	2
Reliance	1.8	1
Spice (Punjab)	1.6	1
Vodafone	19.6	7

any upfront charges being imposed or without determination of market price of spectrum. Based on the amount charged from CDMA operators for grant of GSM spectrum in

(ANNEX. – 5) Page - 41

2007, the value of spectrum held by these operators beyond the contracted unit worked out to? 2561 crore though its market value on date would be higher.

The Technical Committee appointed by Hon'ble MoC&IT for "Allocation of Access (GSM/CDMA) spectrum and pricing" recommended in May 2009, that the additional spectrum assigned beyond 6.2+6.2 MHz in an service area should attract an upfront charge equivalent to the 3G auction price from the date of assignment.

Subsequently, TRAI also recommended in May 2010 for charging the additional spectrum held by operators beyond the licensed quantity which is under consideration of the Government. In the event of these recommendations being accepted, the additional flow of revenue to the Government would come to? 36,993 crore.

(ANNEX. – 6) Page - 42

RTI Matter

Speed Post

No. 11.20034/35/2011-IS.II

Government of India

Ministry of Home Affairs

(IS.I Division/IS.II Desk)

New Delhi; dated the 18<sup>th</sup> Aug., 2011

To

Shri Avishek Goenka,

Sub: Application of Sh. Avishek Goenka seeking  
information under Right to Information Act, 2005.

(ANNEX. – 6) Page - 43

Sir,

Please refer to your application dated 9.8.2011, received in the office of the undersigned on 17.8.2011 vide Ministry of Home Affairs' letter No. 18012/14/2011-KI dated 16.8.2011 on the above mentioned subject.

2. You have mentioned that the DoT Notification dated 14.3.2011 is not available in DoT website.

Interalia, you have sought reason for non-availability on the website.

3. Since the subject matter of your application pertains to DoT, the same is being transferred to the concerned Department i.e. Department of Telecommunications [Shri Ram Narain, DDG (Security)] 20, Ashoka Road, Sanchar Bhavan, New Delhi, for furnishing suitable reply to you.

4. It is informed that you can prefer an appeal within 30 days from the receipt of this communication to Shri Dharmendra Sharma, Joint Secretary (Internal Security-1), Ministry of Home Affairs, North Block, New Delhi, who is the Appellate Authority in this case.

(ANNEX. – 6) Page - 44

Yours faithfully,

(V. Vumlunmang)

Director (internal Security-I)

Copy to Shri Ram Narain, DDG(Security),  
Department of Telecommunications, 20 Ashoka Road,  
Sanchar Bhavan, New Delhi-110 001, for furnishing  
suitable reply to the applicant. Application of the  
applicant is enclosed herewith.



Government of India  
Ministry of Communications & IT  
Department of Telecommunications  
(Access Services Cell)  
Sanchar Bhavan, Ashoka Road,  
New Delhi 110001.

No. 800-11/2010-VAS-III/

Dated 02.9 .2011

To,

Shri Avishek Goenka

Sub: seeking information under the RTI Act 2005.

(ANNEX. – 6) Page - 46

Please refer to your RTI application dated 21.8.2011 received in this office on 25.8.2011. In this regard, w.r.t. information sought vide para-4 (a) and (b), no such information is available with CPIO. Your RTI

application is being transferred to Dy. Economic Adviser & CPIO DOT, and CPIO. TRAI under section 6(3) of the RTI Act, for providing information directly to you. Copy of instruction dated 20<sup>th</sup> April , 2010 is enclosed herewith in respect of Para-(c) of the said application.

2 Appeal, if any, may be preferred, within thirty days of the receipt of this letter to Shri A.K.Mittal Sr.DDG(AS) & Appellate Authority, Department of Telecommunications, Room No. 1001, Sanchar Bhavan, 20, Ashoka Road, New Delhi.

(Vinod Kumar)

Director (AS-II) & CPIO

Copy To

1. Ms . Sunita Yadav Dy Economic Adviser, & CPIO DOT Sanchar Bhawan New Delhi. RTI application

(ANNEX. – 6) Page - 47

is being transferred under section 6(3) of RTI Act for providing information if any, to the applicant directly.

2. Shri DPS Rajesh, CPIO, TRAI. RTI application is being transferred under section 6(3) of RTI Act for providing information if any, to the applicant directly.

TELECOM REGULATORY AUTHORITY OF INDIA

Mahanagar Doorsanchar Bhawan,

Jawahar Lal Nehru Marg,

(Old Minto Road), New Delhi-110002

Fax: 91-11-23213294

No. 1(330)/2011-RTI Dated the 12 September, 2011

To,

Shri Avishek Goenka

Subject : REQUEST FOR SUPPLY FOR INFORMATION UNDER  
THE PROVISIONS OF THE RIGHT TO INFORMATION ACT, 2005.

Sir,

With reference to your application dated 31<sup>th</sup> August, 2011  
seeking information under the

provisions of the Right to Information Act, 2005 regarding 'issues  
related to subscriber verification and VLR maintained by all mobile

companies'. It is intimated that the issues raised in your application is also being related to Department of Telecommunications (DoT). A copy of your application is transferred to the concerned CPIO in DoT, in terms of section 6 (3) (ii) of the Right to Information Act, 2005 for furnishing you a suitable reply in the matter. The information with regard to the issues pertaining to TRAI, especially relating to VLR data will be sent to you separately.

Yours faithfully

(D.P.S. Rajesh)

Central Public Information Officer

Tele:011-23211622

(ANNEX. – 6) Page - 50

Copy to:

<p>Shri. Vinod Kumar  Director (AS-II)  Room No. 1202  Sanchar Bhawan, 20  Ashoka Road  Department of  Telecommunication  Ministry of  Communications &amp; IT  New Delhi-110 001</p>	<p>A copy of the application dated 31 August, 2011 received from Shri Avishek Goenka under the provisions of RTI Act, 2005, is enclosed herewith for necessary action and suitable reply to the applicant with reference to the RTI application. The applicant has deposited an application fee of Rs. 107- IPO in TRAI. In case, the subject matter of the application does not pertain to you, the <u>application may be transferred to the concerned CPIO in DoT.</u></p>
---	--

BY REGISTERED POST

N0.25/23/2011.PD.II

Government of India

Ministry of Consumer Affairs,

Food & Public Distribution

Department of Food & Public Distribution

Krishi Bhawan, New Delhi - 110 001,

Dated the 25<sup>th</sup> October, 2011

**To /**

Shri Avishek Goenka,

Subject: Queries under Right to Information, regarding  
availability of ration cards.

(ANNEX. – 7) Page - 52

Sir,

Please refer to your application under RTI Act, 2005 dated 06.10.2011 addressed to Dr. Mahender Kumar, Assistant Director, S&R and Shri B.C. Joshi, Deputy Commissioner, S&R, in the Department of Food & Public Distribution, Government of India on the above subject, which has been transferred vide letter F.No.44-4/201 1-QCC/2380 dated 13.02.2011 by CPIO, S&R Division of this Department and received in PD Division on 14.10.2011.

2. It is to inform that the Targeted Public Distribution System is operated under the joint responsibility of the Central and State/UT Governments. Central Government is responsible for procurement, allocation and transportation upto the designated depots of the Food Corporation of India. The operational responsibility for allocation and distribution of foodgrains within the States/UTs, identification of eligible Below. Poverty Line (BPL) families, issuance of ration cards to them and supervision over and monitoring of functioning of Fair Price Shops (FPSs) rests with

(ANNEX. – 7) Page - 53

the concerned State/UT Government. In respect of point no. A of your application, it is stated that as per the reports received from all States/UTs as on 31.08.2011, 2402.45 lakh ration cards have been issued by the States/UTs. The information on the point nos. B relating to percentage of population allocated ration cards, C, D & E is not maintained in this Department and may be available with respective States/UTs. In view of above, you may seek the information from the Food & Civil Supplies Department of the concerned State/UT.

3. An appeal in the matter shall lie with Shri C. Viswanath, Joint Secretary (BP,PD&NFSA)



being Appellate Authority for the purpose of RTI Act, 2005.

(Room No. 165, Krishi Bhawan, Tel.

No. 23384308, Fax No. 23070239, Email- [ispd.fpd@nic.in](mailto:ispd.fpd@nic.in))

Yours faithfully,

(Nitish K. Sinha)

Director/CPIO

(ANNEX. – 7) Page - 54

Copy for information to:

1. DC(S&R/CPIO), D/o F&PD, Krishi Bhawan, New Delhi w.r.t their O.M. No. 44-4/2011 -QCC/2380 dated 13.02.2011.
2. ICT Section, D/o F&PD, Krishi Bhawan, New Delhi.

Bv Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD,

NEW DELHI-110001

NO.4 / RTI / 43 / 2011 -ERS Dated: 2<sup>nd</sup> November, 2011

To,

Shri Avishek Goenka,

Subject: Information under RTI Act, 2005 -Regarding

Sir,

With reference to your application dated 06/10/11  
(received in the Commission on 12<sup>th</sup> October,

2011) under RTI Act, 2005 I am directed to furnish the information  
as under:-

Item A & B: Total number of Electoral Photo Identity Cards issued in the country as on 8<sup>th</sup> June, 2011 is 65,62, 89,725 which is approximately 90.06% of the total number of electors.

Item C: According to the provisions of Section 19 of Representation of People Act, 1950, subject to the following restrictions, every person shall be entitled to be registered in the electoral roll of the Constituency who

- a. is not less than 18 years of age on the qualifying date and
- b. is ordinarily resident in a constituency,

Restrictions:

1. According to Section 16 of RPA, 1950, a person shall be disqualified for registration in an electoral roll if (s)he—

a. Is not a citizen of India; or

(ANNEX. – 8) Page - 57

b. Is of unsound mind and stands so declared by a competent court; or

c. Is, for the time being, disqualified from voting under the provisions of any law relating to corrupt practices and other offences in connection with elections. (See Section 11A of the RPA, 1951).

Only those citizens who are registered in the electoral roll are issued voter ID card for the purpose of identification at the time of voting.

Item D: Revision of electoral rolls/issue of EPIC to newly registered electors is a continuing process. Normally, revision of electoral rolls is done every year in all States/UTs with reference to the 1st January of the -year as the qualifying date, with the purpose to facilitate all eligible persons to get their names enrolled in the respective electoral rolls.

Item E: For getting one's name enrolled in the electoral roll of the assembly constituency, if he/she is having eligibility for the purpose, a person may submit filled up Form-6 along with the requisite documentary proofs to the Electoral Registration Officer

(ANNEX. – 8) Page - 58

(ERO) of the assembly constituency of which he/she is an ordinary resident, who will after due verification take a decision on the claim application. Once the person is enrolled in the electoral roll, an EPIC is issued to him/her by the ERO concerned following due procedure.

Item F & G: As per the Commission's instructions issued during General Election to the House of the People, 2009, a person whose name was featuring in the electoral roll failed to produce his/her EPIC, such electors had to produce any of the following alternative photo documents for establishing their identity:-

. i Passports,

- ii. Driving licences,
- iii. Income Tax Identity (PAN) Cards,
- iv. Service Identity cards issued to its employees  
by State/Central Government, Public Sector  
Undertakings, Local Bodies and Public Limited  
Companies with photographs,
- v. Passbooks issued by Public Sector Banks/Post  
Office and Kisan Passbooks with photograph.

(ANNEX. – 8) Page - 59

- vi. Property Documents such as Pattas, Registered  
Deeds, etc. with photograph,
- vii. SC/ST/OBC Certificates issued by competent  
authority with photograph ,
- viii. Pension Documents such as ex-  
servicemen's Pension Book/Pension Payment  
Order, ex-servicemen's Widow/Dependent  
Certificates, Old Age Pension Order, Widow  
Pension Order with photograph,
- ix. Freedom Fighter Identity Card,with photograph,
- x. Arms Licenses ,

- xi. Certificate of Physical Handicap with  
photograph issued by the component  
authority .
- xii. Job Cards issued under NREGA  
with photograph,
- xiii. Health Insurance Scheme Smart Cards with photograph.

(ANNEX. – 8) Page - 60

The above said instructions were issued by the Commission to facilitate such electors who did not have EPIC, so that they can exercise their franchise.

In case, you are not satisfied with the information supplied, you may make an appeal within 30-days of the date of this letter before the First Appellate Authority. Particulars of the First Appellate Authority are as under:

Shri K.F. Wilfred,

First Appellate Authority under

Right to Information Act, 2005 and

Principal Secretary, Election Commission of India,

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

Yours faithfully,

(AJOY KUMAR)

UNDER SECRETARY & CPIO

(ANNEX.- 9)Page - 61

Bv Post

ELECTION COMMISSION OF INDIA

NIRVACHAN SADAN, ASHOKA ROAD,

NEW DELHI-110001

NO.4/RTI/43/2011-ERS Dated: 2<sup>nd</sup> November, 2011

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Subject: Information under RTI Act, 2005 -Regarding

(ANNEX. – 9) Page - 62

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(ANNEX. – 9) Page - 63

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(ANNEX. – 9) Page - 64

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by State/Central Government, Public Sector  
Undertakings, Local Bodies and Public Limited  
Companies with photographs,
- v. Passbooks issued by Public Sector Banks/Post  
Office and Kisan Passbooks with photograph.

(ANNEX. – 9) Page - 66

- vi. Property Documents such as Pattas, Registered  
Deeds, etc. with photograph,
- vii. SC/ST/OBC Certificates issued by competent  
authority with photograph ,
- viii. Pension Documents such as ex-  
servicemen's Pension Book/Pension Payment  
Order, ex-servicemen's Widow/Dependent  
Certificates, Old Age Pension Order, Widow  
Pension Order with photograph,
- ix. Freedom Fighter Identity Card,with photograph,
- x. Arms Licenses ,
- xi. Certificate of Physical Handicap with

photograph issued by the component  
authority .

xii. Job Cards issued under NREGA

with photograph,

xiii. Health Insurance Scheme Smart Cards with photograph.

(ANNEX. – 9) Page - 67

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Shri K.F. Wilfred,

First Appellate Authority under

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Principal Secretary, Election Commission of India,

Nirvachan Sadan, Ashoka Road, New Delhi - 110001.

Yours faithfully,

(AJOY KUMAR)

UNDER SECRETARY & CPIO

UNDERMENTIONED IS A COMPARATIVE TABLE OF VERIFICATION POLICY DATED (14/03/11) AND PREVIOUS POLICIES !!

##THE CLAUSES (10 NOS.) UNDER THE HEAD – ACTIVATION OF NEW MOBILE CONNECTIONS ARE INDISPENSABLE, TO VERIFICATION OF NEW PREPAID MOBILE APPLICANTS AND HENCE HAVE BEEN COMPARED WITH OLDER VERIFICATION NORMS.(05 NOS.) OF CLAUSES HAVE NOT BEEN COMPARED AS BECAUSE THEY ARE IRRELEVANT TO ANY ENHANCEMENT IN PARAMETERS, TOWARDS SUBSCRIBER VERIFICATION OUR PLEA IS TO ENSURE POSTAL VERIFICATION OF MOBILE PREPAID APPLICANTS AND THE SAME IS NOT REFLECTED ANY WHERE IN THIS POLICY GUIDELINE DATED 14/03/2011 AND WORST IT IS A COPY PASTE OF PROVISIONS OF OLDER POLICIES CIRCULATED BETWEEN 2004 AND 2010.

MINISTRY OF COMMUNICATIONS & IT  
DEPARTMENT OF TELECOMMUNICATIONS

(AS CELL)

SANCHAR BHAWAN, 20 ASHOKA ROAD, NEW DELHI – 110001.

NO. 800-39/20010-VAS

DATED:14<sup>TH</sup> MARCH, 2011

ALL CMTS/ UAS LICENSEE(S)

SUB: INSTRUCTIONS ON VERIFICATION OF NEW MOBILE  
SUBSCRIBERS (PRE-PAID & POSTPAID)

\*\*DATED – 14/03/2011 : THIS HAS REFERENCE TO THE  
CMTS/UAS LICENSE CONDITION WHICH INTER ALIA PROVIDES  
THAT “THE LICENSEE SHALL ENSURE ADEQUATE VERIFICATION  
OF EACH AND

(ANNEX. – 10) Page - 70

EVERY CUSTOMER BEFORE ENROLLING HIM AS A SUBSCRIBER;  
INSTRUCTIONS ISSUED BY THE LICENSOR IN THIS REGARD  
FROM TIME TO TIME SHALL BE SCRUPULOUSLY FOLLOWED.”

2. \*\*DATED – 14/03/2011 : IT HAS BEEN DECIDED THAT INSTRUCTIONS IN RESPECT OF VERIFICATION OF SUBSCRIBERS MENTIONED HEREIN SHALL BE STRICTLY FOLLOWED BY THE SERVICE PROVIDERS. THESE INSTRUCTIONS SHALL BE IN SUPERSESSION OF THE FOLLOWING INSTRUCTIONS ISSUED ON THE SUBJECT AND SHALL BE EFFECTIVE THREE MONTH FROM THE DATE OF ISSUE UNLESS OTHERWISE MENTIONED IN THE LETTER:

(I) NO. 1-34/2009-SL DATED 08.02.2010

(II) NO. 842-725/2005/157 DATED 23.03.2009

(III) NO. 800-4/2003-VAS (VOL.LL)/104 DATED  
22.11.2006

(IV) NO. 800-4/2003-VAS/112 DATED 10.05.2005

(ANNEX. – 10) Page - 71

(V) NO. 842-488/2004-VAS/2 DATED 30.11.2004

(VI) NO. 800-4/2002-VAS/101 DATED 26.04.2004

3. ACTIVATION OF NEW MOBILE CONNECTION:

- (i) \*\*DATED – 14/03/2011 : 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, AS PER INSTRUCTIONS APPLICABLE FROM TIME TO TIME. THE CAF SHOULD BE MACHINE NUMBERED BEFORE REACHING TO POINT OF SALE. THE PERSON AT THE POINT OF SALE (POS) SHALL GET THE CAF DULY FILLED AND SIGNED (CAF, PHOTO & DOCUMENTS ATTACHED) BY THE SUBSCRIBER WITH DATE. (IN CASE OF ILLITERATE PERSON, THE CAF MAY BE FILLED BY A PERSON AT THE POINT

(ANNEX. – 10) Page - 72

OF SALE BUT THE THUMB IMPRESSION OF THE SUBSCRIBER MAY BE TAKEN ON CAF, PHOTO & DOCUMENTS ATTACHED.

DATED – 10/05/2005 : 2. IT HAS COME TO THE NOTICE OF THE LICENSOR THAT IN MANY CASES SIM CARDS/CONNECTIONS ARE BEING SOLD WITHOUT PROPER VERIFICATION OF IDENTITY PROOF. THE DEALERS OF THE LICENSED OPERATOR ARE EITHER SELLING SIM CARDS WITHOUT PROPER VERIFICATION OF IDENTITY OF SUBSCRIBERS' BONAFIDE TO PERSONS WHO FURNISHES FALSE ADDRESSES AND FORGED DOCUMENTS OR IN SOME CASES DO NOT EVEN ASK FOR DOCUMENTS SPECIFIED FOR VERIFICATION OF IDENTITY OF THE SUBSCRIBER. IN ADDITION, THERE IS AN IN-ORDINATE DELAY IN GETTING THE



IDENTIFICATION PARTICULARS OF SUBSCRIBERS OF  
PRE-PAID SERVICE FROM THE SERVICE PROVIDERS.  
THE SERVICE PROVIDERS HAVE ALSO BEEN FOUND TO  
BE

(ANNEX. – 10) Page - 73

LAX IN SCRUTINIZING THE DETAILS IN RESPECT OF  
PRE-PAID CONNECTIONS, WHICH HELPS  
UNSCRUPULOUS ELEMENTS OBTAIN MOBILE  
CONNECTION ON FICTITIOUS / FAKE DOCUMENTS.

IN THIS REGARD, THE SERVICE PROVIDERS ARE  
REQUIRED TO OBTAIN THE RELEVANT PROFORMA AS  
ANNEXED DULY FILLED BEFORE PROVIDING THE  
MOBILE TELEPHONE SERVICE TO ANY CUSTOMER  
(ANNEXURE I & II). ALL THE OPERATORS ARE TO USE  
THESE PROFORMAS WITH THE MENTIONED COLUMNS.  
HOWEVER THE OPERATORS MAY SUPPLEMENT [AND  
NOT SUBSTITUTE] THIS PROFORMA IN ACCORDANCE  
WITH THEIR CONSIDERATIONS.

IT IS AGAIN EMPHASIZED THAT SALE OF SIM CARDS /  
CONNECTIONS WITHOUT PROPER IDENTITY VERIFICATION IS A  
MATTER OF CONCERN AND HAS SERIOUS SECURITY  
IMPLICATIONS; A PROCEDURE NEEDS TO BE EVOLVED TO

ENSURE THAT SIM CARDS ARE NOT SOLD WITHOUT PROPER IDENTITY VERIFICATION. ALSO, IT IS EMPHASIZED TO CROSS CHECK THE ADDRESSES OF ALL THE EXISTING SUBSCRIBERS AND IT IS PRESUMED THAT THE SERVICE PROVIDERS ARE ALREADY DOING THIS EXERCISE. IN VIEW OF THE ABOVE, IT NEEDS TO BE ENSURED BY THE SERVICE PROVIDERS THAT THERE SHOULD NOT BE ANY WORKING NUMBER IN THEIR NETWORK WITHOUT PROPER ADDRESS / PHOTOGRAPH OF THE SUBSCRIBER.

FURTHER, IT WILL BE THE RESPONSIBILITY OF THE LICENSEE TO MAINTAIN THE RECORDS OF THE IDENTITY OF THEIR CUSTOMERS AND PRODUCE THE SAME ON REQUISITION. THEREFORE, NECESSARY ARRANGEMENT FOR OBTAINING THE NECESSARY RECORDS FROM THE FRANCHISEE IN A FOOLPROOF MANNER SO AS NOT TO LEAVE

(ANNEX. – 10) Page - 75

OUT A SINGLE USER OF THE SERVICE SHOULD BE MADE.

##THERE IS NO DIFFERENCE BETWEEN POLICY OF 2005 AND 2011, TOWARDS DOCUMENTATION – EXCEPT THAT, THUMB IMPRESSION OF ILLITERATE PERSONS HAS TO BE TAKEN AND THE UNNECESSARY ADDITION OF THE CLAUSE THAT CAF. HAS TO BE FILLED BY THE SUBSCRIBER !!

IN NO WAY THE ADDITIONAL PROVISION, WILL  
CONTRIBUTE TO INCREMENTAL AUTHENTICITY OF THE  
APPLICANT.

- (ii) \*\*DATED – 14/03/2011 : THE SUBSCRIBER SHALL BE  
PROVIDED A COUNTERFOIL/RECEIPT OF THE DETAILS  
OF THE POI & POA CLEARLY MENTIONING THE NAME OF  
SUBSCRIBER, MOBILE NUMBER APPLIED FOR, CAF  
NUMBER, TYPE OF POI/POA, ISSUING AUTHORITY, DATE  
OF ISSUE AND SERIAL NUMBER OF POI/POA

(ANNEX. – 10) Page - 76

DOCUMENT DULY SIGNED WITH STAMP OF  
POS.

- (III) \*\*DATED – 14/03/2011 : THE AUTHORIZED PERSON AT  
THE POS SHALL RECORD IN THE CAF THAT HE HAS SEEN THE  
SUBSCRIBER AND MATCHED THE PHOTOGRAPH ATTACHED ON  
THE CAF WITH THE SUBSCRIBER AND VERIFIED HIS COPIES OF  
DOCUMENTS OF PROOF OF ADDRESS AND PROOF OF IDENTITY  
ATTACHED WITH THE CAF WITH THE ORIGINAL AND SHALL PUT  
HIS SIGNATURE ON THE CAF & ALL ATTACHED DOCUMENTS  
(ALONG WITH FULL NAME & STAMP- CONTAINING ADDRESS).  
FOR THIS PURPOSE SUFFICIENT SPACE SHOULD BE PROVIDED  
IN THE CAF.

DATED – 22/11/2006 : (I) THE AUTHORIZED PERSON AT THE POINT OF SALE SHALL RECORD IN THE APPLICATION FORM THAT HE HAS SEEN THE SUBSCRIBER AND VERIFIED HIS DOCUMENTS WITH THE ORIGINAL. IN THIS REGARD LICENSEE SHALL ENSURE THAT THE POINT OF SALE IS SUITABLE

(ANNEX. – 10) Page - 77

ADVISED OF HIS RESPONSIBILITIES AND CONSEQUENT LIABILITIES IN THE MATTER.

##SIMILAR TO 2006 NO DIFFERENCE.

(IV) \*\*DATED – 14/03/2011 : THE MOBILE CONNECTIONS SHALL BE ACTIVATED ONLY AFTER THE REQUIREMENT OF FILLING UP 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 THE LICENSEE. ONLY AFTER THIS ACTIVITY HAS BEEN DONE THE SIM CARD CAN BE ACTIVATED. FOR THIS PURPOSE SUFFICIENT SPACE SHOULD BE PROVIDED IN THE CAF.

DATED – 22/11/2006 : (II) THE CONNECTIONS ARE 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; FOR THIS PURPOSE, THE LICENSEE COMPANY'S AUTHORIZED REPRESENTATIVE (WHO IS DIRECTLY ACCOUNTABLE TO THE LICENSEE COMPANY) SHALL VERIFY THAT ALL THE DOCUMENTARY REQUIREMENT HAS BEEN COMPLETED BEFORE ACTIVATING THE SIM CARD.

##SAME AS THAT OF 2006 !!

WHEN THERE IS NO SYSTEM TO VERIFY THE AUTHENTICITY OF DOCUMENTS, BOTH BY THE OPERATORS AND DOT. TOO, HOW DOES THIS HELP.

(V) \*\*DATED – 14/03/2011 : THE DATE OF SALE OF SIM AND DATE OF ACTIVATION OF SIM IS REQUIRED TO BE ESTABLISHED FROM THE ENTRIES IN THE CAF. FOR THIS

PURPOSE, ENTRY OF DATE IS TO BE MADE WITH THE SIGNATURE OF SUBSCRIBER (AT THE TIME OF FILLING CAF), SIGNATURE OF POS (AT THE TIME OF VERIFYING THE SUBSCRIBER AND DOCUMENTS) AND SIGNATURE OF LICENSEE (AT THE TIME OF VERIFICATION BEFORE ACTIVATION) IN THE CAF.

(VI) \*\*DATED – 14/03/2011 : AFTER THE ACTIVATION OF SIM, THE SUBSCRIBER SHALL BE AT LEAST TELE-VERIFIED. IT MAY BE ENSURED THAT WHILE MAKING THE CALLS FOR TELE-VERIFICATION, DETAILS MAY BE ASKED FROM THE SUBSCRIBER AND VERIFIED AGAINST THE DETAILS PROVIDED IN THE DATABASE. IT MAY ALSO BE ENSURED THAT UNLESS TELE-VERIFIED, THE SUBSCRIBER IS NOT ABLE TO MAKE ANY TYPE OF CALL, EXCEPT TO THE OPERATOR. THE INCOMING CALL WILL REMAIN BARRED BEFORE TETE-VERIFICATION.

(ANNEX. – 10) Page - 80

(VII) \*\*DATED – 14/03/2011 : PRE-ACTIVATED SIM CARD IS NOT TO BE SOLD. IN CASE 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. PRE- ACTIVATED CONNECTION MEANS THAT THE SIM CARD AVAILABLE AT POINT OF SALE OR IN POSSESSION OF ANY OTHER PERSON IS IN SUCH A

CONDITION THAT IT IS POSSIBLE TO MAKE / RECEIVE CALLS/SMS WITHOUT ACTIVATION AS PER PROCEDURE MENTIONED IN PARA (IV) ABOVE. FURTHER, IN CASE IT IS ESTABLISHED THAT THE DATE OF ACTIVATION OF SIM CARD IS PRIOR TO ACTUAL SALE OF SIM CARD, THEN IT SHALL BE TREATED AS A SALE OF PRE-ACTIVE CONNECTION. ALSO, IF FOR THE CAF AUDIT/INVESTIGATION, THE CAF IS NOT SUPPLIED TO TERM CELL WITHIN GIVEN TIME FRAME (MISSING CAF CASES IN CAF AUDIT), THE CONNECTION SHALL BE TREATED AS PRE-ACTIVATED.

(ANNEX. – 10) Page - 81

DATED – 23/03/2009 8. PRE-ACTIVATED SIM

CARDS:

PRE-ACTIVATED SIM CARDS ARE NOT TO BE SOLD IN THE MARKET. IN CASE PRE-ACTIVATED SIM CARDS ARE ON SALE, HIGHEST PENALTY OF RS50.000/ SHALL BE LEVIED ON EACH SUCH CONNECTION.

DATED – 22/11/2006 : (III) PRE-ACTIVATED SIM CARDS ARE NOT TO BE SOLD IN THE MARKET.

## NO CHANGE IN POLICY – SAME AS 2006 AND 2009.

(VIII) \*\*DATED – 14/03/2011 : THE LICENSEE SHALL ENSURE THAT THE INFORMATION ABOUT THE SUBSCRIBERS ARE CORRECTLY FILLED IN THE SUBSCRIBER DATABASE. THERE SHALL NOT BE ANY TYPING MISTAKE IN THE SUBSCRIBER

DATABASE SUCH THAT THE ERROR LEADS TO ANY PERSON OR ADDRESS OTHER THAT THE INTENDED PERSON OR ADDRESS OR ELSE IT SHALL BE TREATED AS FAILED SUBSCRIBER VERIFICATION CASE FOR THE PURPOSE OF CAF AUDIT AND SPECIFIED PENALTY

(ANNEX. – 10) Page - 82

AS PER EXISTING INSTRUCTIONS SHALL BE LEVIED. THE LICENSEE SHALL ENSURE IMMEDIATE CORRECTION OF ENTRY IN THE DATABASE ONCE SUCH ERROR IS DETECTED.

HOWEVER, TYPING ERROR IN CASE OF TRANSLATING THE NAME OR ADDRESS FROM ANY REGIONAL LANGUAGE OR HINDI TO ENGLISH SHALL BE CONSIDERED TO THE EXTENT IT LEADS TO THE SAME PERSON OR PREMISE.

DATED – 22/11/2006 : 4. THE LICENSEE SHALL ALSO ENSURE THAT THE INFORMATION ABOUT THE SUBSCRIBER IS ENTERED IN TO LICENSEE'S DATABASE CORRECTLY BASED ON THE INFORMATION IN CUSTOMER ACQUISITION FORMS (CAFS) / SUBSCRIBER ACQUISITION FORMS (SAF) AND SUPPORTING DOCUMENTS. FOR THIS PURPOSE, THE LICENSEE SHALL NOMINATE SEPARATE OFFICIALS, WHO SHALL BE RESPONSIBLE FOR THE PROCESS OF ENTRY OF SUBSCRIBER INFORMATION IN THE DATABASE, CROSS-CHECKING OF INFORMATION FROM THE DATABASE WITH THAT



FROM EACH AND EVERY ORIGINAL CAF/SAF & DOCUMENTS. IF ANY DISCREPANCY IS FOUND

AT ANY STAGE, THE MOBILE CONNECTION SHALL BE DE-ACTIVATED IMMEDIATELY AND IN ANY CASE NOT LATER THAN 72 HOURS. OBSERVATIONS MADE BY EACH NOMINATED OFFICIALS FOR THE ABOVE ACTIVITIES SHALL BE KEPT IN RECORD FOR SCRUTINY AT A LATER DATE.

##SAME AS 2006, IN FACT IN 2006 POLICY, THERE WAS A PROVISION OF DE-ACTIVATION WITHIN 72 HOURS IN CASE OF DETECTION OF ERROR.

(IX) \*\*DATED – 14/03/2011 : IN CASE OF CHANGE OF EXISTING MOBILE CONNECTION FROM PRE-PAID TO POSTPAID AND VICE VERSA ALSO, THE ABOVE INSTRUCTIONS FROM 3(I) TO 3(VIII) SHALL APPLY.

(X) \*\*DATED – 14/03/2011 : THE MANDATORY FIELD IN THE CAF ARE PRESCRIBED IN THE

ANNEXURE-I.

##THE CLAUSES (10 NOS.) UNDER THE HEAD –

ACTIVATION OF NEW MOBILE CONNECTIONS  
ARE INDISPENSABLE, TO VERIFICATION OF  
NEW PREPAID MOBILE APPLICANTS AND  
HENCE HAVE BEEN COMPARED WITH OLDER  
VERIFICATION NORMS.

(05 NOS.) OF CLAUSES HAVE NOT BEEN

COMPARED AS BECAUSE THEY ARE

IRRELEVANT TO ANY ENHANCEMENT IN

PARAMETERS, TOWARDS SUBSCRIBER

VERIFICATION. OUR PLEA IS TO ENSURE

POSTAL VERIFICATION OF MOBILE PREPAID

APPLICANTS AND THE SAME IS NOT

REFLECTED ANY WHERE IN THIS POLICY

(ANNEX. – 10) Page - 85

GUIDELINE DATED 14/03/2011 AND

WORST IT IS A COPY PASTE OF PROVISIONS

OF OLDER POLICIES CIRCULATED BETWEEN

2004 AND 2010.

