

**No.D1/ 67529/2010**

Police Headquarters  
Kerala, Thiruvananthapuram  
Dtd.29/07/2010

**Circular No. 39/2010**

**Sub: SIM Cards -Issue on False / Assumed Identities - Legal Action - Reg.**

- Ref: 1) No. 842-488/2004-VAS/2dated 30.11.2004 of DoT, GoI.  
2) No. 800-04/2003-VAS/112 10.05.2005 of DoT, GoI.  
3) No. 800-04/2003-VAS (Vol.III)/104 dated 22.11.2006 of DoT, GoI.  
4) No. 800-08/2007-AS-II/24 dated 16.04.2008 of DoT, GoI.  
5) No. 1-34/2006-V.I./(Pt.)/2 dated 07.10.2008 of DoT, GoI.  
6) No. 800-52/2008-VAS-III (Part) dated 24.12.2008 of DoT, GoI.  
7) No. 842-725/2005/157 dated 23.03.2009 of DoT, GoI.  
8) No. 1-34/2006-VI (Pt I) dated 30.09.2009 of DoT, GoI.  
9) No. 842-725/2005-VAS (Pt) dated 07.10.2009 of DoT, GoI.

Incidents of Subscriber Identity Module (SIM) cards for mobile phones being procured on false or assumed identities have come to notice. This is done to pursue criminal or antisocial ends, and even poses grave danger to national security. Making and submitting of false supporting documents amounts to forgery and is punishable under various provisions of the Indian Penal Code. The offenders are liable to be punished u/s 419, 420, 465, 468, 471, 474 etc of IPC as may be applicable.

Acquisition of SIM cards under false/assumed identities arises also due to the negligence of the SIM Card vendors and Mobile Phone Service Providers in ensuring proper verification before issue of the SIM Cards. Department of Telecommunications, has prescribed that the Licensee shall ensure adequate verification of each and every customer before enrolling him as a subscriber. The license conditions clearly place an onus on the Service Provider to ensure that the subscriber details are properly verified.

The licensees are bound to ensure that:

- i. The authorized person at the point of sale shall record in the application form that he has seen the subscriber and verified the photo and documents with the original.
- ii. The connections are activated only after the filling of customer application form and copies of documentary proof as per the 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 documentary requirements have been completed before activating the SIM Card.
- iii. Pre activated SIM cards are not to be sold in the market.

Vendors are duty bound to ensure that they have physically seen the applicant as per the application form, and that the photo and documents produced in support of the application are genuine and compared with the original. The criminal liability of the vendor has to be examined in case of any SIM Card being obtained on the strength of a forged document, or when a false identity is assumed using a genuine document. The vendor would be abetting forgery or cheating or impersonation, unless it is apparent that the deception is one that could not have been detected during normal course of checking/ratification.

The Department of Telecommunications vide reference cited 3<sup>rd</sup> has also stipulated that Service Providers shall cross check whether the subscriber information in the service providers' database matches with the (a) Customer Acquisition Form (CAF) (b) Subscriber Acquisition Form (SAF) as well as the supporting documents provided. If SIM Cards on false/ assumed identities are issued as a consequence of not observing the guidelines prescribed, the Service Provider can be subjected, prima facie, to an investigation to find out whether the Service Provider is guilty of criminal negligence.

The Department of Telecommunications while prescribing guidelines for the functioning of its Telecom Enforcement Resource and Monitoring (TERM) Cells vide reference 7<sup>th</sup> cited has directed that

- i. In case of forgery of documents detected, Complaint/FIR shall be lodged by the Franchisee/ Service Provider against the customer.
- ii. In case the Franchisee fails to lodge complaint /FIR as above, Service Provider shall lodge Complaint /FIR against the customer and franchisee.
- iii. In case no action is taken by the Service Provider as above, the TERM Cell may lodge Complaint/FIR against the Service Provider.

The above clearly indicates that FIRs are to be registered for obtaining SIM Cards under false /assumed identities by furnishing forged documents. Wherever such forgery is detected and the forgery is apparent prima facie, and has not been reported by Franchisees/ Service Providers, it may be presumed that they are also party to such forgery, unless they can prove that the deception was so good and efficient as to deceive them as well.

All SsP/ CsP shall take necessary action to take effective lawful action against those obtaining and issuing SIM cards using false/assumed identities as stipulated above.

**Director General of Police**

To

All Officers in List 'B'.

Copy to: CAs to All Officers in PHQ

" : Circular Book/Stock File/Operation Cell