



भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार / Government of India



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No.102-2/2015-NSL-II

Date: 20th January 2017

To

The Secretary,
Department of Telecommunications,
20, Ashoka Road, Sanchar Bhawan,
New Delhi-110 001.

Subject: Permitting outstation Aadhaar card holders for e-KYC of mobile subscribers – reg.

DoT vide letter dated 16.08.2016 has permitted the use of Aadhaar based e-KYC service of Unique Identity Authority of India (UIDAI) for issuing mobile connections to subscribers as an alternative process to the existing PoI/PoA documents based process. Aadhaar linked e-KYC service provides a robust mechanism to verify the identity of the person electronically and instantaneously from the source itself, based on the biometrics of the person. Thus, it takes care of the issues relating to fake/forged identity proof, manual entry into the system etc.

2. In the afore-mentioned instructions, DoT has mentioned that e-KYC process shall not be applicable to outstation customers. It is worth mentioning that the Authority in its recommendations on 'Subscriber Verification – Adoption of e-KYC Service of UIDAI and e-sign' dated 06.01.2016 did not make distinction between home and outstation customers while recommending e-KYC based authentication for enrolling new subscribers. Aadhaar, being linked to biometric details of the residents, is a robust mechanism to provide unique identity throughout the country. Aadhaar based e-KYC service is presently being used by various other organizations like the Reserve Bank of India (RBI); Insurance Regulatory Authority of India (IRDA); Securities and Exchange Board of India (SEBI); and Pensions Funds Regulation and Development Authority (PFRDA). In this regard, the clause 30.1 of Unified License (UL) may kindly be referred to. The relevant portion is reproduced below:

30.1 *The LICENSEE shall register demand/request for telephone connection and or any other Telecom Service without any discrimination from any applicant, at any place in the service area for the service(s) authorized and provide the Service, unless otherwise directed by the Licensor....*

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3. From the above-mentioned clause, it can be inferred that a Licensee has been mandated to register request for telephone connection without any discrimination from any applicant, at any place within the service area for the service(s) authorised. Hence, non-applicability of e-KYC process for outstation customer, does not appear to be in line with this mandate of the License.

To illustrate the issue, if a customer is holding Aadhaar card with registered address in Meerut, is working in Delhi; therefore, travels on a daily basis to Delhi and uses the network/services of Delhi licensee for most of the time, should be able to get a SIM from a Licensee of Delhi service area. As per the present guidelines issued by DoT, this subscriber is not allowed to take a Delhi SIM through e-KYC. However, if an existing Delhi SIM holder (Delhi subscriber) changes his residence from Delhi to Meerut but working in Delhi, can continue to use mobile services of Delhi Licensee. This creates a situation of discrimination between two subscribers in a similar situation. As an another instance, if a labourer from Bihar working in Maharashtra wants to take a mobile connection using e-KYC process, such a person is required to go back to Bihar to get the connection. Thus, barring the e-KYC process for outstation customers results in artificial restriction. Therefore, the Authority is of the view that Aadhaar based e-KYC should be permitted for outstation customers also at any place within the service area.

4. In view of the above discussion, the Authority recommends that Aadhaar based e-KYC should be permitted for outstation customers also at any place within the service area.

5. In keeping with practice, this letter is being placed on the website of TRAI www.traigov.in.

This issues with the approval of the Authority.


(Sanjeev Banzal) 20/01/17
Advisor (NSL)