

**Government of India
Ministry of Communications
Department of Telecommunications
(Access Services Wing)**

Sanchar Bhawan, Ashoka Road, New Delhi-110 001

F. No.: 800-03/2019-AS.II

Dated: 19.06.2020

To,

**All Advisor(s)/Sr. DDG (s)
LSA Field Units of DoT**

Subject: Distinction between Procedural & Substantive lapses w.r.t. CAF verification guidelines.

Hon'ble TDSAT in its judgment and order 28.10.2015 in Petition no.24/2013 has directed DoT to frame the policy for making distinction between procedural & substantive lapses w.r.t. Customer Acquisition Form (CAF) verification guidelines. In this regard, the undersigned has been directed to convey the approval of competent authority on distinction between Procedural & Substantive lapses w.r.t. Customer Acquisition Form (CAF) verification guidelines and following instructions thereon:

- 2. Following categories of lapses by TSPs during the CAF audit process conducted by LSAs may be categorized as Procedural lapse:-**
- a. Delayed submission of subscriber database by TSPs to LSAs.
 - b. Delayed submission of sampled copies of CAFs by TSPs to LSAs.
 - c. Delayed/Not turning up of TSP for Joint discussion and Joint signing.
 - d. Delayed submission of Action Taken Report for timely disconnection of non-compliant CAFs as per instructions dated 09.08.2012 by TSP's to LSAs.
- i. If the TSP informs the LSA Head before the due date of above events as prescribed by DoT about the reason for its inability to adhere to prescribed timeline, the LSA may consider extension of the time limit suitably, depending upon the reasons/justifications submitted by TSP. The due dates of various activities as defined for CAF audit process will be altered accordingly. Adherence to these revised due dates will not be considered as any lapse.
 - ii. In case TSP does not adhere to the due dates (either original or revised as per i. above), and delay from due dates is limited to 10 days, then it may be treated as Procedural lapse. The procedural penalty will be imposed for the delays limited to 10 days.
 - iii. If the delay is more than 10 days, then the lapses may be treated as Substantive and substantive penalty will be imposed as per existing circulars of DoT.

- iv. In case substantive penalty is imposed for the Procedural lapses as per iii. above, then the procedural penalty as per ii. above will not be imposed on the TSP.
- v. The following are penalty provisions which may be followed in case of the lapses as mentioned in 2. above:

Sr.	Type of lapse	Penalty provisions in case lapse is Procedural (Limited to 10 days)	Penalty provisions in case delay is more than 10 days and Procedure lapse becomes Substantive lapse
a.	Delayed submission of subscriber database by TSPs to LSAs.	Rs. 1 Lakh per day per incidence.	Sample size of 0.1% (or 0.2% for NE, J&K and Assam LSA) may be calculated from last submitted subscriber database. The penalty may be imposed by treating the entire sample size as missing CAFs.
b.	Delayed submission of sampled copies of CAFs by TSPs to LSAs.	Rs. 1 Lakh per day per incidence.	Penalty may be imposed as per existing guidelines for missing CAFs.
c.	Delayed/Not turning up of TSP for Joint discussion and Joint signing.	Rs. 25,000 per day per incidence.	Report may be deemed to have been signed by the TSP.
d.	Delayed submission of Action Taken Report (ATR) for timely disconnection of non-compliant CAFs as per instructions dated 09.08.2012 by TSP's to LSAs.	Rs. 100 per connection per day.	Penalty may be imposed as per existing guidelines for delay in submission of ATR.

- vi. The following deviations in the CAF during audit process may not be counted as non-compliant CAFs for the determination of CAF compliance percentage:-
- a. Missing customer signature across photo, customer signature without date on PoI/PoA but signature with date is available on CAF (As per para 3 (v) of guidelines dated 09.08.2012, date of sale of SIM is determined from customer signature date on the CAF and is important to establish that SIM was not pre-activated)


- b. Photograph is available on CAF but not of proper size and pasted not exactly on the earmarked place. However, it should be possible to establish identity of the customer.

However, in above cases, a penalty of Rs. 150 per CAF may be levied. However, if other violations of CAF verification norms are also noticed then prevailing guidelines will continue to be followed.

- vii. In respect of the mandatory address fields of the subscriber's address mentioned in the instruction dated 09.08.2012, only those address fields which are available on a particular valid Proof of Address are mandatory and such CAFs should not be treated as non compliant

3. These instructions are applicable in whole of India including J&K, NE and Assam LSA.

4. Except the changes mentioned in this letter, all other instructions issued by DoT in respect of CAF audit process shall remain same.


19.06.2020

(Suresh Kumar)

ADG (AS-II)

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Copy to:

1. DG (T), DoT HQ, Sanchar Bhawan, New Delhi.
2. All Unified Licensees (having Access Service Authorization)/ Unified Access Services Licensees (UASL)/ Cellular Mobile Telephone Service (CMTS) Licensees