

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

12th Floor, Sanchar Bhawan, 20 Ashoka Road, New Delhi – 110 001

File No: 800-26/2016-AS.II

Dated: 26.10.2018

To

All Unified Licensees (having Access Service Authorization)/ Unified Access Services Licensees/ Cellular Mobile Telephone Service Licensees.

Subject: Discontinuation of Use of 'Aadhaar' e-KYC service of Unique Identification Authority of India (UIDAI) for issuing new mobile connections and re-verification of existing subscribers- regarding.

Ref1: Letter no. 800-29/2010-VAS dated 16.08.2016.

Ref2: Letter no. 800-26/2016-AS.II dated 23.03.2017.

This is with reference to instructions issued vide above mentioned letters and subsequent letters regarding use of Aadhaar based E-KYC process for issuing new mobile connection to subscribers and re-verification of existing mobile subscribers.

2. In respect of the issues related to Department of Telecom, Hon'ble Supreme Court, vide its final judgment and order dated 26.09.2018 in W.P. (C) 494/2012 {Justice KS Puttaswamy (Retd) & Anr. V/s UoI & Ors.} and connected matters, has set aside the circular dated 23.03.2017 issued by Department of Telecom regarding re-verification of existing mobile subscribers through Aadhaar based E-KYC process. In compliance to the judgment of Hon'ble Supreme Court, the undersigned is directed to convey the approval of competent authority that all Licensees shall discontinue the use of 'Aadhaar' e-KYC service of UIDAI for re-verification of existing subscribers with immediate effect. Accordingly, the instructions issued vide letter no. 800-26/2016-AS.II dated 23.03.2017 & subsequent follow-up orders related to re-verification of existing subscribers through Aadhaar based E-KYC process stand withdrawn.

3. Further, the Hon'ble Supreme Court has also made observations in its judgment regarding the usage of Aadhaar/authentication performed using E-KYC



service of UIDAI and also set aside some of the clauses/struck down some of the portion of clauses of Aadhaar Act and Aadhaar Regulations, 2016.

4. UIDAI, in its letter dated 01.10.2018, has directed all Telecom Service Providers, that *"..all TSPs are called upon to immediately take actions in order to comply with the judgment dated 26.9.2018. In this regard, TSPs are hereby directed to submit by 15th October, 2018, an action plan/exit plan to the authority for closure of use of Aadhaar based authentication systems which shall include without limitation, the aspects enumerated under Regulation 23(2) of the Aadhaar (Authentication) Regulations, 2016. If the Authority does not receive any communication to this effect within the stipulated timeline, the authentication services shall be terminated without any further notice."*

5. According to the said judgment, the use of Aadhaar authentication is not permissible for E-KYC for verification of telecom subscribers nor for issuing new mobile connections. In compliance to the judgement of Hon'ble Supreme Court, all Licensees are to discontinue the use of "Aadhaar" e-KYC service of Unique Identity Authority of India (UIDAI) both for verification as well as for issuing new mobile connections. All TSPs shall ensure its implementation across the country in a time bound manner and compliance in this regard be submitted by 5th November, 2018.

6. The Telecom Industry, vide its joint representation dated 05.10.2018, has suggested an alternate digital process for KYC of mobile subscribers which envisages CAF to be embedded with live photograph of subscriber and scanned images of PoI/PoA thereby digitizing the end to end process for on boarding of new mobile subscribers by making it completely paperless.

7. Accordingly, all telecom service providers are directed to ensure readiness of their systems and offer the Proof of Concept of the proposed digital process by 05.11.2018 for approval. Consequently, instructions issued including vide letter No. 800-29/2010-VAS dated 16.08.2016 & subsequent follow-up orders related to Aadhar based e-KYC process shall stand withdrawn. Meanwhile, this process can be implemented provisionally by all TSPs. Any modification which may be required in this process by the government shall be carried out within a period of 30 days.

8. All Licensees may use the Proof of Identity/Proof of Address (PoI/PoA) based process issued by the Department vide instructions dated 09.08.2012 or 24.08.2015 for issuance of new mobile connections to subscribers.



9. The Licensees may accept the copy of physical Aadhaar or e-Aadhaar letter having masked or unmasked Aadhaar number (as downloaded from UIDAI website) as PoI/PoA document, if offered voluntarily by the subscriber, as per the procedure(s) prescribed for issuance of new mobile connections as mentioned in para 8 above. The instructions issued vide letter no. 800-29/2010-VAS dated 11.07.2016 regarding permitting use of e-Aadhaar as PoI/PoA subject to the online verification from UIDAI, also stands withdrawn.

10. In addition to this, the Licensee shall also delete the column of writing Aadhaar number (which was optional entry) on Customer Acquisition Forms (CAFs) for issuing the new mobile connections. Accordingly, the instructions issued vide letter no. 800-09/2010-VAS dated 16.10.2014 and 29.12.2014 in this regard stand withdrawn.

11. With regard to other necessary compliance to the judgment of Hon'ble Supreme Court on Aadhaar, if any, on the part of Department of Telecom, separate instructions shall be issued after consultation with Ministry of Electronics & Information Technology and UIDAI.

12. A compliance report regarding discontinuation of use of Aadhaar based E-KYC process shall be furnished by each Licensee on e-mail id: diras2-dot@nic.in & adetas2.hq-dot@nic.in.


(Prashant Verma) 26/10/18

Assistant Director General (AS-II)

Copy to:

1. Secretary, MeitY, New Delhi.
2. CEO, UIDAI, New Delhi.
3. Chairman, TRAI, New Delhi.
4. DG (T), DoT HQ, New Delhi.
5. Advisor(s)/Sr. DDG(s) of LSA Field Units of DoT.
6. JS (CIS), MHA, North Block, New Delhi.
7. Director (AS-I)/Director (AS-III)/Director (AS-IV)/Director (AS-V), DoT.
8. COAI.