

Bill No. XXXIII of 2012

THE COMPULSORY REGISTRATION OF INTERNATIONAL PREPAID
SIM CARDS TO BE OPERATED IN INDIA BILL, 2012

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BILL

to provide for compulsory registration of international prepaid SIM cards to be operated in India in the interest of national security and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Registration of International SIM cards to be Operated in India Bill, 2012.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force at once.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "cellular or mobile phone" includes any wireless device that sends and receives voice, data, etc., using radio frequency energy;

10 (b) "mobile network operator" means and includes any company that provides network, for voice or data services to mobile phones in the country;

(c) "international prepaid SIM (Subscriber Identification Module) Card" means a portable memory chip or a printed circuit board for which credit is purchased in advance of service use, required to be connected in any Global System for Mobile Communication

(GSM) or Code Division Multiple Access (CDMA) mobile phone which contains subscriber details such as security information, internal memory of phone numbers and similar data that identifies the caller to the network operator, which has been issued by a mobile company of any other country;

(d) "prescribed" means prescribed by rules made under this Act; 5

(e) Words and expressions used but not defined in this Act but defined in the Indian Penal Code, 1860, the Indian Telegraph Act, 1885 and the Information Technology Act, 2000 shall have the same meaning as is respectively assigned to them in those Acts. 45 of 1860.
13 of 1885.
21 of 2000.

Registration of International SIM Cards in India with local Mobile network operators.

3. (1) Every person coming to India and carrying a prepaid mobile phone connection, shall within two days of his arrival in India, register his mobile phone connection within such mobile network operator of India who has a collaboration with the operator issuing the International prepaid SIM card to carry the calls of that company in India. Provided that in case of the person fails to register his prepaid international SIM card within the prescribed period of two days, he shall be guilty of an offence under this Act and his SIM card shall be deactivated by the mobile network operator in India. 10
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(2) Every mobile network operator immediately on receiving the details of any prepaid International SIM card shall register the profile of its prepaid international subscribers and maintain proper record of users who may operate their international mobile SIM cards in India. 20

(3) Every local mobile network operator, before registration of prepaid International SIM Card, shall obtain the following details from the International SIM card holder:—

(i) photo copy of valid passport of the user; and

(ii) time period of the users stay in India as permitted through a valid Visa, during which prepaid international SIM card may be used in India. 25

(4) The mobile network operator shall, as soon as may be but not later than two days from the activation of prepaid International SIM card, submit the identification of the person using the card to the nearest police station.

(5) All mobile network operators shall inform the police about existing activated prepaid International SIM cards within three months from the commencement of this Act. 30

Police to maintain records of International SIM card holders.

4. The concerned police authorities shall maintain record of profile of International SIM card holders who are using the prepaid International SIM card through local mobile operators in India.

Penalty.

5. (1) Any mobile network operator who contravenes the provisions of sub-section (1) or sub-section (2) or sub-section (3) or sub-section (4) or sub-section (5) of Section 3 of this Act shall be punished with fine which may extend to rupees two lakh for the first violation and upto rupees ten lakh for second and subsequent violation. 35

(2) Any subscriber who contravenes the provisions of sub-section (1) of Section 3 of the Act shall be punished with fine which may extend to rupees five hundred.

Offences to be cognizable.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 every offence punishable under this Act shall be cognizable. 40 2 of 1974.

Overriding effect of the Act.

7. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force, the provision of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 45

STATEMENT OF OBJECTS AND REASONS

The world today has become a global village. Thanks to the advancement of the communications systems, the boundaries have blurred. One such development is the roaming facility on mobile phones which has made possible the one world, the one number a reality. But apart from the benefits, this development of science has brought with itself a plethora of problems like is, misuse by terrorists. A concern of police and security agencies worldwide is that prepaid mobile services allow the user to be anonymous and therefore facilitate criminal or terrorist activities. Prepaid phone users generally remain anonymous since the prepaid SIM card can be sold in a shop like any other goods and as prepaid services can often be topped up using cash and vouchers, there is no way to trace the payment and hence to determine the identity of a prepaid phone user from payment records. In view of this, it become very difficult to nab such criminals. This problem gets compounded in case of international SIM cards which are issued from an outside country. The person carrying such cards comes to our country and uses an international prepaid SIM card for nefarious activities and we are left with no trace or record of such a person. Thus, it is high time that suitable statutory framework are to be initiated to keep a check on such activities and nab the offenders.

Hence this Bill.

PARSHOTTAM KHODABHAI RUPALA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is therefore of a normal character.

RAJYA SABHA

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(Shri Parshottam Khodabhai Rupala, M.P.)