SECRET

F. No. 31-10/2020-DGTHQ/3
Department of Telecommunications
Ministry of Communications
(DGT HQ)

Sanchar Bhawan, 20, Ashoka Road
New Delhi-01, Dated 24.10.2020

Subject: Standard Operating Procedure for dealing with Suspected Numbers involved in Cyber Crimes - reg.

The undersigned has been directed to inform that the Standard Operating Procedure for dealing with Suspected Numbers involved in cyber-crimes has been finalised and enclosed herewith for strict compliance.

2. It is also to reiterate that curbing illegal activities is one of the prime duty of the LSA field units. As such, the LSAs are requested to analyse the suspected numbers involved in the cyber-crimes critically and take remedial steps to reduce the availability of telecom resources to the fraudsters.

This issues with the approval of competent authority.

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To,

Head of Department, All LSAs, Department of Telecommunications

Standard Operating Procedure for dealing with Suspected Numbers shared by Law Enforcement Agencies

1. Scope

This SOP defines the procedure to be followed by the representatives of the Licensor to take action on the suspected mobile numbers shared by National Cyber Crime Reporting Portal, IB/MHA and other LEAs including State LEAs.

2. Regulatory Provisions

a) Section 5(2) of Indian Telegraph Act empowers the Central Government or State Government or any officer specially authorised for the purpose to direct that any message or class of messages to or from any person or class of persons, or relating to any particular subject, brought for transmission by or transmitted or received by any telegraph, shall not be transmitted in the licensee's network.

b) Rule 416A of Indian Telegraph Rules empowers the telegraph authority for total or partial withdrawal of telecom services of a subscriber, after being satisfied for doing so with reasons to be recorded.

c) Rule 427 of Indian Telegraph Rules mandates that the subscriber is personally responsible for the use of his telephone.

d) Clause 38.1 of the Unified License mandates the Licensees to prevent carriage of objectionable, obscene, unauthorised or any other content, messages or communications infringing copyright and intellectual property right etc., in any form in their network once specific instances of infringement are reported to the Licensee by the enforcement agencies / licensor.

These provisions may be invoked by Licensor and its designated LSA field officers while issuing instructions to the licensees.

3. Designated Authorities to request for blocking the numbers

a) The request of blocking the number should be from designated LEAs only. The other agencies should be asked to come through a designated LEA.

b) In case, the representatives of the licensor come across the suspected numbers as part of their investigation, the Junior Administrative Grade (SAG) officer at DGT HQ and in all LSAs, dealing with security related matters, can request for blocking the numbers.

4. **Requests from State LEAs that contain the suspected numbers of other LSAs**

The LSA, within whose jurisdiction the LEA falls, shall act as Nodal LSA and share the LSA wise segregated list of suspected numbers with other LSAs.

5. **Request for immediate blocking**

a) The licensor shall issue instructions to the licensees for immediate blocking of the suspected numbers, if the requests for immediate blocking are received with the prior approval of Union Home Secretary in case of Central LEA and concerned State Home Secretary within whose jurisdiction the suspected number falls in case of State LEA. The request letter from LEA should invariably contain the approval letter no and date of such approval.

b) In case the approval of Union Home Secretary or State Home Secretary is not available, LEAs should submit evidences of misuse of the suspected numbers for anti-national/anti-social activities so as to satisfy Telegraph Authority for issuing instruction to block the number immediately by following the below mentioned steps :

i). If a particular number is appearing in more than or equal to three complaints of frauds from three different locations, instruction may be issued by the officer of the Telegraph Authority for immediate blocking. However, the officers of DoT in field units should check the current details of the subscriber and in case it is found to be of a VIP number, a detailed enquiry be made before issuing instruction of disconnection.

However, such cases should be sent by the agencies in the format below:

Sl. No	Complainant number	Suspected Number	Date of complaint	Name of the complainant	Location of the complainant

ii). In other cases, the request for blocking should come after investigation by the concerned LEA with following details :

a. Suspected Number
b. A copy of the complaint

c. FIR number and Date of FIR
d. Investigation report having at least following evidences:
   - Ink signed or digitally signed copy of the CDR
     OR
   - Ink signed or digitally signed copy of Screen Shot of the chats or any communication made by the fraudster with the complainant

6. Requests without immediate blocking

If the request is not for immediate blocking, then the LSAs shall carryout the CAF Audit to ascertain whether the CAF is in order or not. In case, the CAF is not in order, the instructions for disconnection of the suspected number shall be issued.

7. Connection Verification in case of CAF compliant cases

In CAF compliant cases, the LSAs shall conduct the connection verification to ascertain the bonafide status of the subscriber and use of the said suspected CAF compliant numbers. In case, the connection verification is negative, the instructions for disconnection shall be issued.

8. Mechanism to lodge grievance by general public in cases of frauds/cybercrimes using telecom resources

The cybercrime portal operated by I4C unit of MHA is appropriate platform to lodge the complaints related to cyber-crime. The field units of DoT shall launch awareness campaign among the citizens how to not fall in traps of such fraudulent activities.

9. Other issues

The LSAs shall analyse the Point of Sale / Distributor and include these Point of Sale / Distributor for carrying out inspection as per rules.