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PART III, SECTION 4

TELECOM REGULATORY AUTHORITY OF INDIA
NOTIFICATION

New Delhi, the 30th September 2019

**TELECOMMUNICATION MOBILE NUMBER PORTABILITY (EIGHTH
AMENDMENT) REGULATIONS, 2019 (5 of 2019)**

No. 116-4/2019-NSL-II ---- In exercise of the powers conferred by sub-section (1) of section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), the Telecom Regulatory Authority of India hereby makes the following regulations to further amend the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), namely:-

1. (1) These regulations may be called the Telecommunication Mobile Number Portability (Eighth Amendment) Regulations, 2019 (5 of 2019).

(2) These regulations shall come into force from the 11th November, 2019.
2. In regulation 2 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as principal regulations), in clause (n) for the words "each successful porting" the words, "processing the porting request" shall be substituted;
3. In regulation 8 of the principal regulations, for sub-regulation (7), the following sub-regulations shall be substituted, namely: -

"((7) The Recipient Operator shall be liable to pay Per Port Transaction charge for each porting request of the mobile number to the Mobile Number Portability Service provider as notified by the Authority from time to time.

(8) The Recipient Operator shall be liable to comply with the Quality of Service parameters, as specified by the Authority from time to time."

4. In regulation 11 of the principal regulations, in sub-regulation (1),--

- (a) in clause (c), after the words "Donor Operator under clause (b)" and before the words "of regulation 10 or the expiry" the words, "of sub-regulation (2)" shall be inserted;
- (b) in proviso after the clause (c), after the words, "Donor Operator under clause (b)" and before the words, "of regulation 10 or the expiry" the words, "of sub-regulation (2)" shall be inserted;

(S. K. GUPTA)

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Note 1: The principal regulations were published in the Gazette of India, Extraordinary, part III, section 4 vide notification No. 116-4/2009-MN (Vol.II) dated 23rd Sept. 2009 and amended vide:

- (i) Notification No. 116-1/2010 dated 28th January, 2010 (1 of 2010)
- (ii) Notification No. 116-1/2010 dated 24th November, 2010 (5 of 2010)
- (iii) Notification No. 116-5/2012 dated 8th June, 2012 (16 of 2012)
- (iv) Notification No. 116-5/2012 dated 19th September, 2012 (19 of 2012)
- (v) Notification No. 116-4/2013 dated 22nd July, 2013 (9 of 2013)
- (vi) Notification No. 116-19/2014 dated 25th February, 2015 (03 of 2015)
- (vii) Notification No. 116-6/2017-NSL-II dated 13th December, 2018 (9 of 2018)
- (viii) Notification No. 116-6/2017-NSL-II.Vol.II dated 12th June, 2019 (1 of 2019)
- (ix) Notification No. 116-6/2017-NSL-II.Vol.III dated 27th September, 2019 (3 of 2019)

Note 2: The Explanatory Memorandum explains the objects and reasons of these regulations.

Explanatory Memorandum

1. The Telecom Regulatory Authority of India issued the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) dated 23rd September, 2009 laying down the basic business process framework for implementation of intra-circle Mobile Number Portability (MNP) in the country. Facility of MNP was launched in Haryana service area on 25th November 2010 on pilot basis and the same was extended to the entire country on 20th January 2011. Initially, the MNP facility was available within the licensed service area only. However, in accordance with the provisions contained in the National Telecom Policy- 2012 regarding "One Nation – Full Mobile Number Portability", full MNP was implemented w.e.f. 3rd July 2015.
2. On 13th December 2018, TRAI had issued the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018), to the principal regulations of Telecommunication Mobile Number Portability (MNP) Regulations 2009 (8 of 2009) to come into force after six months from the date of their publication in the official Gazette. Through these amendment regulations a major shift in the mechanism for generating Unique Porting Code (UPC) has been provisioned. Pre-validation of eligibility conditions for generation of UPC by the Mobile Number Portability Service Provider (MNPSP) shall ensure smooth porting in revised framework; thus, making the porting process faster and convenient to the mobile subscribers.
3. Considering the preparedness of Telecom Service Providers and Mobile Number Portability Service providers, the timeline for implementation of Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018, was extended from 13th June 2019 to 30th September 2019 vide Notification dated 12th June, 2019; and further vide Notification dated 27th September, 2019 the date of implementation has been extended from 30th September 2019 to 11th November, 2019. Through these Notifications, sub-regulation (2) of regulation 1 of the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018) has been amended.
4. The Authority through the Explanatory Memorandum of the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018) had mentioned that on the aspects of the associated costs, review of Per Port Transaction Charges shall be taken up separately and these charges shall include the cost of generating UPCs by MNPSPs and sending SMSs at various stages.
5. TRAI issued Consultation Paper on 'Review of Per Port Transaction Charge and Other Related Charges for Mobile Number Portability' dated 22nd February 2019 (subsequently updated on 1st April, 2019) for the comments of stakeholders and comments were inter-alia sought on whether



the total number of MNP requests received by MNPSP or successfully ported numbers be considered while calculating 'Per Port Transaction Charge'?

6. Upon analysis of the data, the Authority observed that the gap between total porting requests and successful porting has been reducing over the years and is likely to reduce further after the 7th Amendment comes into force. Besides, the MNPSPs have to incur costs even on unsuccessful porting requests. Further, in many cases, the failure of a porting request could be due to reasons beyond the control of the MNPSPs. Through the comments received in response, most of the stakeholders have also suggested to consider total number of port requests. Accordingly, the Authority decided to take each porting request into consideration for determining the Per Port Transaction Charge. Therefore, sub-regulation (7) of regulation 8 of the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018) has been amended.
7. In order to link appropriately the proviso and clause (c) of sub-regulation (1) of the regulation 11 of the principal regulations, with the clause (b) of the sub-regulation (2) of regulation 10, of the principal regulations, the appropriate amendment has been incorporated through this amendment regulations.



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