

RJIL/TRAI/2023-24/227

8<sup>th</sup> November 2023

To,

**Shri Akhilesh Kumar Trivedi,  
Advisor (Networks, Spectrum and Licensing),**

**Telecom Regulatory Authority of India**

Mahanagar Doorsanchar Bhawan

Jawaharlal Nehru Marg, New Delhi - 110002

**Subject: RJIL's comments on TRAI's Draft Regulation on "Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023"**

Dear Sir,

Please find enclosed the comments of Reliance Jio Infocomm Limited (RJIL) on the Draft Regulation dated 27.09.2023 on "Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023".

Thanking you,

Yours Sincerely,

For **Reliance Jio Infocomm Limited**

**KAPOOR**

**SINGH**

**GULIANI**

**Kapoor Singh Guliani**

Authorized Signatory

Digitally signed by

KAPOOR SINGH

GULIANI

Date: 2023.11.08

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**Enclosure:** As above

**Reliance Jio Infocomm Limited's comments on TRAI's Consultation on  
"Draft Telecommunication Mobile Number Portability (Ninth Amendment) Regulations,  
2023" dated 27<sup>th</sup> September 2023.**

**Preface:**

1. Reliance Jio Infocomm Limited (RJIL) thanks the Authority for giving an opportunity to offer comments on the draft Regulation reviewing certain aspects of the Telecommunication **Mobile Number Portability Regulations ("MNP Regulations")**.
2. At the outset, we submit that we agree with the DoT's and Authority's view that there is need to take more proactive actions to prevent financial frauds being perpetrated on telecom consumers, and in case the delay in porting post SIM swap is helpful, we are in favour of such a process change.
3. However, we submit that basis an objective analysis, we understand that most financial frauds are committed within 48 hours of such a SIM swap, thus a 2-day barring in UPC generation post SIM Swap would also have been sufficient and should be considered. Nevertheless, we have no issue with proposed draft amendment for barring MNP post SIM swap. We further submit that this restriction should not be applicable to the customers opting to upgrade or replace their SIM while the original SIM in working condition, is in possession of the customer.
4. Another measure that can address this issue at an early stage is to permit SIM swap only through e-KYC for the customers that have acquired the original SIM using Aadhaar credential irrespective of subscriber verification process i.e. eKYC/ dKYC. With massive Aadhaar penetration, this measure will ensure that most of the SIM swaps will be performed basis Aadhaar credential received from UIDAI, thereby obviating the fraud at SIM swap level only and consequently preventing the financial frauds through SIM related frauds.
5. Further, we are cognizant of the need of ensuring that the porting is performed in the name of the original SIM holder only. **However, the exchange of CAFs for the same is an extreme measure and this objective can be achieved through exchange of subscriber details like Name, Father's Name, Date of Birth and last 4 digits of the Proof of Identity (POI) number used for acquiring the SIM card.**
6. **We submit that this can be a simple and machine-based verification without any subjective matching of photographs and can be entrusted to the neutral third party already in the system i.e. Mobile Number Portability Service Providers (MNPSPs). We**

have provided detailed justification for not exchanging CAFs in response to the questions.

7. **We further submit that there are persisting issues with two other aspects of the prevailing MNP process and should also be considered as part of this consultation process.**
8. The MNP Regulations, 2009 provides that the subscriber making the porting request is required to clear all the bills issued prior to the date of porting request and the unbilled dues pertaining to his mobile number till its eventual porting. In the event of non-payment of any such unbilled dues to the Donor Operator (DO), the ported mobile number shall be liable to be disconnected by the Recipient Operator (RO) basis the request by DO, as per the prescribed Non-Payment Disconnection (NPD) process.
9. Apparently, NPD is a simple process to help a DO recover the unbilled amount due to him, however, the unscrupulous implementation of this process has made this a non-tariff exit barrier for postpaid customers. The situation has become so grave that more often than not, the porting postpaid customer ends up losing his number. **The Authority has also intervened to address this issue by various measures; however, the issue remains unaddressed.**
10. The DOs continue to cause deactivation of ported out numbers by delay in communication of unbilled amount, raising NPD request for small amounts, not updating the payments for long time. This process is a constant source of consumer dissatisfaction and consequent complaints. We have analyzed a large number of such issues and found that the reason of such wide-spread discontent in a small section of subscribers (as only postpaid subscribers are affected) lies in lack of apathy at DO end and abolishing NPD process altogether is most suitable solution.
11. We submit that the current process of call barring and subsequent disconnection, at the request of DO, is giving unreasonable leverage to a TSP who has already lost the customer due to service issues. This postpaid customer has already made a conscious decision to leave the DO's network and has also rejected the retention offers, thus the DO, ostensibly, has no interest in continuity of service to the porting customer whereas the only party interested in continuity of service i.e. RO, is rendered helpless under NPD process.
12. Only a definitive action by the **Authority by either abolishing the process or curtailing the DOs powers can address the induced inefficiencies in the current NPD process.** The Authority, if not abolishing NPD process should instead increase the threshold limit for

raising NPD request to Rs.100. We have discussed, this issue in detail in response to questions.

13. Another important issue that needs Authority's attention is the SMS based porting withdrawal. We submit that this consumer centric measure has come into much abuse by the unscrupulous DOs. As highlighted to the Authority multiple times, the agents to DO call the porting subscriber, **masquerading as a customer care of RO and deceive the customer into making a port withdrawal request by generating SMS through a link or handholding, while promising the customer that this will fasten his MNP by cancelling his number at DO.**
14. We once again reiterate our previous suggestions regarding removal of withdrawal option altogether. We submit that the customer's consent is paramount in decisions such as MNP, however, in this case the customer has already exercised the consent twice before the withdrawal can be done. First, by generating the UPC and second by approaching the RO. Thus, adequate choice has already been exercised and only thing that can now change the customer's mind will be either the retention efforts or the fraud SMS process described in previous para. While we understand the need of retention time, however, submit that the unscrupulous implementation by DOs makes it incumbent on the Authority to keep the same only till the time RO sends the request to MNPSP. Therefore, SMS based withdrawal provisions should be removed.
15. Another important issue requiring the Authority's attention is to reduce the porting time for the Licensed Service Areas (LSAs) of Assam, Northeast and Jammu and Kashmir. We submit that 15 days' timeline for porting for a subscriber can be an excruciating long wait time, especially when the porting is caused by network or service issues. In network coverage related porting this can amount to leaving the customers virtually unconnected for a long time in such security sensitive areas. We submit that the original reason for this extended timeline i.e. time taken in the processes pertaining to lawful interception may not be valid any longer post implementation of CMS process and prevalence of eKYC and dKYC modes of subscriber verification. The industry has already represented to the DoT on this issue, and we request the Authority to also take up this issue for benefit of consumers in these LSAs.
16. One more fraud prevention measure can be to mandate the Smartphone Handset manufacturers in the country to introduce eSIM in all handsets costing Rs. 10,000/- and above. We submit that current process of eSIM upgradation and eSIM change has more checks like the requirement of customer details like registered e-mail id to process the request. Further, such handsets cannot be easily used for multiple SIM cards, the modus operandi normally used by fraudsters and thus may be useful in preventing frauds.

## 17. Conclusions

1. We do not oppose barring the porting immediately post SIM swap.
2. The possibility of only e-KYC for SIM swap should be explored for all customers with original SIM on-boarded with Aadhaar credentials to prevent frauds.
3. We do not agree with the DoT suggestion of exchange of CAF for preventing fraud porting, and the same objective can be achieved with SDRs validation by MNPSP.
4. The NPD process should be abolished.
5. The SMS based porting withdrawal process should be removed.
6. The timelines for porting in Assam, Northeast and Jammu and Kashmir LSAs should be reduced and brought at par with rest of the country.

### Issue wise response:

**Q1. Whether it would be appropriate to introduce an additional criterion for rejection of the request for allocation of Unique Porting Code (UPC) in respect of any mobile connection, which has undergone the process of SIM swap/ replacement/ upgradation? Kindly provide a detailed response with justification.**

And

**Q2. If your response to the Q1 is in the affirmative, kindly provide detailed inputs on the draft amendment regulations given above.**

### RJIL Response:

1. We had already submitted to the Authority our observations that in many cases, fraudulent porting is performed post fraudulent SIM swap, therefore, the causality between the financial frauds and fraudulent MNP, though not proved, but can certainly be insinuated. **Therefore, in interest of protecting the telecom consumers from financial frauds, we agree with DoT's suggestion of preventing the porting immediately post a SIM swap.**
2. However, it is worthwhile to mention here that the DoT has already taken multiple steps to prevent such frauds like barring the SMS facility post SIM swap for 24 hours that automatically bars the UPC generation and consequently porting. **Further, service providers like RJIL have implemented e-KYC based SIM swap as a primary process. This measure can be mandated for all customers that obtained their original SIM with Aadhaar credentials across operators to prevent fraud SIM swap and thereby financial frauds.**

3. We submit that the severity of the SIM swap and MNP led financial frauds may be evaluated post the above mentioned changes, before implementing stringent restrictions. Thus, we feel that it will be prudent to restrict porting for only a reasonable period like 2-3 days post SIM swap. Nevertheless, **as a responsible TSP concerned about financial frauds by misuse of telecom services, we do not oppose DoT suggestion that after the issue of duplicate SIM in cases of SIM swapping, porting may not be applicable for 10 days.**
4. **However, this restriction should not be applicable for cases where the customer is already in possession of original SIM in working condition and is seeking to either upgrade or replace the SIM due to change in devices like moving to an eSIM device etc. This restriction should be only applicable for SIM swap in case of damaged or lost SIM card.**
5. Further, as submitted earlier also, we feel that **porting rejection and illegally preventing porting have been major menaces associated with MNP Regulations and a thorough evaluation should be done to prevent abuse of this new UPC rejection reason before implementing** and if required suitable safeguards and audit mechanism should be put in place to prevent illegal rejections.
6. It should be ensured that replacement/ upgradation/ swapping SIM should not become a tool to discourage a subscriber interested to port his/ her number. In other words, TSP should not intentionally replace/ upgrade the SIM to take advantage of this provision and prevent/delay the porting of interested subscriber.

**Q3. Stakeholders are requested to provide detailed inputs with justification on the DoT's proposal that –**

**(a) after the generation of UPC code, at an appropriate stage, the demographic details of the subscriber such as Name, Gender, Date of Birth and Photograph, etc., or scanned copy of Customer Application Form (CAF)/ Digital CAF may be transferred from Donor Operator to Recipient Operator. To avoid time delays, such transfers may preferably be done through electronic means; and**

**(b) the recipient operator should match the demographic details of the subscriber with those details received from Donor Operator. If the subscriber's demographic details match, then only further steps in MNP process may be allowed otherwise, the porting process may be terminated.**

**RJIL Response:**

1. We have already submitted to the Authority that there should be a machine-based validation of Subscriber details like Customer Name, Father's Name, Date of Birth (DOB),

and the Last 4 Digits of POI, without bringing in any subjectivity in porting approval and without delaying the porting.

2. **We do not agree with the DoT suggestion of Exchange of CAF, as this is not optimum.** While we agree with the need for ensuring effective porting and preventing frauds but feel that exchanging the CAF for this would be a sub-optimum solution, which might lead to other issues as detailed below.
  - a. **Manual and Time-consuming process:** Sharing and Validating CAF would be a manual activity, **where the customer CAF would require to be pushed through e-mail by the DO, which would be a massive ask considering that on an average 50,000 numbers being ported on daily basis.** It will put extensive and unnecessary burden on both the TSPs.
  - b. **Subjective and manual Process:** In addition of being a bulky and time-consuming process, considering that the CAFs and associated documents are scanned documents, **the CAF based validation would become a subjective and manual process, which is prone to claims and counter claims.**
  - c. **Privacy Issues:** The CAF contains customer's sensitive personal information and **customer's Proof of Identity (POI) and Proof of Address (POA) documents** are also either enclosed or embedded in the CAF. **Sharing of this information without customer consent would amount to breach of privacy.**
  - d. **Delay in porting:** This bulky and subjective validation process would be time-consuming and would lead to delay in porting, which will be **anti-consumer and counter-productive to efforts made over the years to simplify and minimize the time for porting, especially through 7<sup>th</sup> Amendment to MNP.**
  - e. **Cost Escalation:** The subjective CAF validation would imply that RO will be required to deploy additional manpower, **escalating the cost of acquisition, which may not be an optimum solution.**
3. **Therefore, we do not support exchange of CAFs. We further submit that similar difficulties will be faced in exchange of photographs, as the validation of photographs will also introduce a subjective element in the process.**
4. **Instead, we reiterate that a machine based, real-time and cost-effective alternative process as proposed and submitted by RJIL should be adopted.** Under this process the personally identifiable and unique subscriber detail records (SDR) consisting of Customer Name, Fathers Name, DOB, and the Last 4 Digits of POI should be exchanged. Further, in

order to maintain complete neutrality in validation, **this machine-based validation should be done by the MNPSPs.**

5. Under this, the UPC generation process will remain unaltered, however, post submitting the porting request by subscriber to RO, the customer credentials can be sent to MNPSP, which can then be validated with DO through an API call before confirming the Port In timestamp to customer.
6. **We submit that under this option, the porting can be processed without affecting the timelines and with full validation of SDRs to allay any fears of fraudulent porting.**

**Q4. Are there any suggestions /comments on any other issues for improving the process of porting of mobile numbers? Please provide a detailed explanation and justification for any such concerns or suggestions.**

**RJIL Response:**

1. We submit that there are many persistent issues with the current implementation of MNP Regulations and certain measures instituted to benefit the consumers and prevent bad debt to TSPs have now become measures to harass genuine customers and prevent porting. These issues are listed in following paras.

**A. Non-Payment Disconnection (NPD) issues in MNP process**

2. **NPD Process should be abolished:** At the outset, we are strongly in favour of discontinuing the NPD process as it is open to abuse by the DO and leads to extreme inconvenience for the postpaid consumers.
3. We submit that while the NPD process seems simple enough, the implementation leaves a lot to be desired and is a **constant source of consumer dissatisfaction and consequent complaints.**
4. We have analyzed a large number of such issues and found that the reason of such wide-spread discontent lies in **lack of apathy at DO's end.** We submit that the manifestations of this apathy are observed in form of 'delay in communication of unbilled amount', 'raising NPD request for small amounts', 'deliberately or otherwise not updating the payments for long time', which lead to disconnection of long held numbers of customers leading to massive discontent.
5. We submit that the current process of call barring and subsequent disconnection, at the request of DO, is giving unreasonable leverage to a party not interested in



consumer welfare i.e. DO, who has already lost the customer due to deficiency in service.

6. It is pertinent to note that, in porting scenarios, the customer has already made a conscious decision to leave the DO's network due to some reason and has also rejected the retention offers, thus the DO, ostensibly, has no interest in continuity of service to the porting customer whereas the only party interested in continuity of service i.e., RO, is rendered helpless.
7. It is to be noted that all TSPs already have set process for collection of dues/ bad debts from the subscriber who left their network (without opting for MNP). In the same line, TSPs can collect their dues of the limited period between date of last bill before generation of UPC to date of porting out from the network. **Accordingly, the NPD process, which is linked only with the post-paid ported subscribers is required to be abolished.**
8. Nevertheless, in case the NPD process abolition is not possible due to any reason, we are supportive of increasing the threshold limit of NPD from existing Rs. 10 to Rs. 100, as also discussed during the TRAI meetings with TSPs and MNPSs to settle the never-ending issue of NPD and facilitate the postpaid customers to port-out.
9. It is submitted that on review of NPD process, RJIL has already submitted its concerns and suggestions to the Authority vide its detailed letters (i) letter No. RJIL/ TRAI/ 2021-22/335 dated 8<sup>th</sup> November 2021 (ii) letter No. RJIL/ TRAI/ 2023-24/018 dated 11<sup>th</sup> April 2023; (iii) letter no. RJIL/TRAI/2023-24/74 dated 2nd June 2023 and (iv) letter No. RJIL/ TRAI/ 2021-22/200 dated 12<sup>th</sup> August 2023.
10. We are reproducing various suggestions made by us in these letters and during the meetings, in addition to the most important suggestion that NPD should be abolished altogether, for ready reference and consideration in case the Authority continues to persist with NPD:
  - I. **Threshold limit of NPD must be increased from existing Rs. 10 to Rs. 100.**
11. If the Authority desire to continue the NPD process, then in the consumers' interest, **current threshold level of outstanding of Rs. 10 for NPD requests must be increased to Rs. 100 as the current threshold is very low.**
12. **We have examined the data and understand that by raising the threshold to Rs. 100, the issues of over 35% of the NPD customers will be addressed whereas the financial**

**impact on the DO would be only of 7%. Furthermore, with lowest postpaid tariffs at ~Rs. 200, Rs. 100 is a reasonable limit.**

13. We also submit that the stringent actions like barring of outgoing calls or disconnection of a number must be linked with the quantum of dues.

**II. Payment validation Issues:**

14. Payment validation is solely entrusted with DO, thus, once DO has marked the payment negative, irrespective of consumer providing the payment proof to RO, no positive action is possible. **In many cases, the number gets returned to DOT post disconnection, when the original number range holder operator is no longer in operation.**

15. DO should send suo-moto positive response to MCH within 72 hours of customer making the payment. In case a customer comes to RO with evidence of having made the payment to DO and no suo-moto positive response has been received from DO within the time period of 72 hours from the date of payment then RO may kindly be allowed to unbar/ not to bar the services on the number.

16. Stringent financial disincentive must be imposed, in case, suo moto positive response is not provided by DO, within prescribed time.

**III. Limited payment options available to customer to make payment for the previous dues.**

17. Payment options in the form of Third Party Apps like Paytm, Google Pay, PhonePe etc. should be provided to customers to clear the outstanding dues with DO.

18. SMS with deep link can be sent to the customers for directly making the payment where all the relevant details (like Account ID/ Relationship No., amount due etc.) are pre-filled.

**B. Abolishing the SMS based porting withdrawal process**

19. We submit that the SMS based port withdrawal process was introduced to facilitate the customers. However, the unscrupulous DOs are misusing this process to initiate false withdrawal requests.

20. **The DOs agents initiate calls to customers that have generated porting requests, masquerading as RO's customer care. The caller then lures the customers into believing that he/she will help in completing his porting request quickly and asks the unsuspecting customer to click a link send over a SMS. This link generates an SMS with keyword 'CANCEL' to 1900. The customer is duped into clicking this link believing that this will ensure that his current service with DO is cancelled and his porting will be expedited.**
21. **However, the porting request is cancelled and the customer, not knowing that this is a DO sponsored fraud, blames RO for delaying and cancelling porting and ends up dissatisfied with both the operators.**
22. **We submit that until a consumer friendly and misuse proof porting cancellation methodology is found, the current SMS based porting withdrawal should be stopped in consumer interest.**
23. **The removal of withdrawal process will also help cut down the timelines for porting. We submit that the current systems are capable of processing almost real time porting in case of prepaid mobile numbers not under Interception, we have already suggested the modalities of reducing the timelines previously. Thus, we request the Authority to repeal the withdrawal process and reduce the porting timeline to a maximum of 24 hours in all cases, in all LSAs.**

**C. Reduction in MNP Timelines in Jammu & Kashmir, Assam and North East**

24. **We submit that wide variations in timelines for porting of mobile numbers in Licensed Service Areas of Assam, Northeast and Jammu and Kashmir, with respect to the rest of India continue to persist despite many changes in MNP Regulations. Over the years, the Authority has greatly simplified and made MNP process time sensitive for customer convenience. However, the customers in these LSAs continue to wait for excruciating 15 days for porting to complete.**
25. **We submit that the extended timelines for porting in these LSAs were prescribed due to the processes pertaining to lawful interception. However, with effective operationalization of CMS, the extensive procedure pertaining to porting of numbers under lawful interception and monitoring prescribed for these LSAs are no longer relevant and there is no need of extensive timelines for porting in these LSAs.**
26. **Additionally, the eKYC and dKYC modes of subscriber verification, have greatly reduced the concerns around traceability of customers and there are no major security considerations to justify the long porting periods in these LSAs.**

27. The Authority is aware that a porting request is generally preferred by a subscriber only when he/she is dissatisfied with the services provided by current service provider, consequently, the extended timelines for MNP are just prolonging the agony for disgruntled customers, who in many cases do not even have proper connectivity. Therefore, it is imperative that the porting timelines are reduced for the customers in these LSAs as well. **However, in case there are any concerns, then as a first step the MNP timelines for Assam and Northeast LSAs can be brought at par with rest of the country followed by Jammu & Kashmir LSA, if found feasible. The Industry had already submitted a proposal to this effect with DoT vide COAI letter dated 13<sup>th</sup> June 2022 (a copy is enclosed for kind reference)**

**D. Mandating eSIM in Smartphones**

28. One more fraud prevention measure can be to mandate the Smartphone Handset manufacturers in the country to introduce eSIM in all handsets costing Rs. 10,000/- and above. We submit that current process of eSIM upgradation and eSIM change has more checks like the requirement of customer details like registered e-mail id to process the request. Further, such handsets cannot be easily used for multiple SIM cards, the modus operandi normally used by fraudsters and thus may be useful in preventing frauds.



**DG/COAI/2022/187**  
**June 13, 2022**

**To**  
**Shri Sunil Kumar Singhal**  
**DDG (Access Services)**  
Department of Telecommunications,  
Ministry of Communications,  
Sanchar Bhawan,  
20, Ashoka Road, New Delhi-110001

**Subject: Instructions regarding phones ported to other Mobile Operator's network which are under lawful interception and monitoring (LIM)-regarding**

Dear Sir,

1. This is with reference to instructions dated 5<sup>th</sup> May 2010 and 24<sup>th</sup> November 2010, wherein the Government had prescribed the process for porting mobile numbers under LIM and mandated that the total time for porting of mobile numbers in the service areas of Jammu & Kashmir, Assam and North East should not exceed 15 days owing to the processes pertaining to lawful interception.
2. We submit that over the years, the MNP process has been greatly simplified and made time sensitive by TRAI to enhance customer convenience. Currently, the MNP process of most numbers in rest of India i.e. all LSAs barring Jammu & Kashmir, Assam and North East LSAs is completed in maximum 3 days, while the customers in these LSAs must wait excruciating 15 days for porting to complete.
3. As your good office is aware that a porting request is generally preferred by a subscriber only when he/she is dissatisfied with the services provided by current service provider, consequently the extended timelines for MNP are just prolonging the agony for disgruntled customers, who in many cases do not even have proper connectivity. Therefore, it is imperative that the porting timelines are reduced for the customers in these LSAs as well.
4. We submit that with effective operationalization of CMS, the extensive procedure pertaining to porting of numbers under lawful interception and monitoring prescribed under circulars are no longer relevant and there is no need of extensive timelines for porting in these LSAs.

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5. Further, with implementation of eKYC and dKYC modes of subscriber verification, the traceability of customers has improved considerably and security aspects pertaining to subscriber verification have been addressed. Therefore, there is no reason for treating subscribers in these LSAs any different from rest of the country.
6. However, if the department is foreseeing any other issues that can potentially delay porting in these LSAs, then as a first step the MNP timelines for Assam and North East LSAs should be brought at par with rest of the country on experimental basis initially and if no issues are observed, the same should be extended permanently. Department can examine the feasibility of this relaxation separately for Jammu & Kashmir LSA.
7. We further submit that Police Verification TAT can be reduced which is 10 days currently (applicable for J & K). MCH TAT currently is 15 days, which can be aligned to the TAT followed nationally (2 & 4 days) for Intra & inter circle portability.
8. We request your urgent intervention to enhance the customer convenience by reducing timelines for porting in Assam and North East LSA.

**Thanking You,**

**Yours faithfully,**

**Lt. Gen. Dr. S. P. Kochhar**  
**Director General**

Cc: Shri A.K. Tiwari, Member (Technology), DCC, Department of Telecommunications, Sanchar Bhawan, 20 Ashoka Road, New Delhi.

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