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To: "Akhilesh Kumar Trivedi" <advmn@traf.gov.in>

Sent: Sunday, November 5, 2023 11:37:54 AM

Subject: Draft Telecommunication Mobile Number Portability (Ninth Amendment) Regulations-27.09.2023

Dear Sir,

1.The attachment is w.r.t the subject matter.

2.Submitted for kind consideration.

3.With best wishes and regards,

R B Sahajpal

Comments

TRAI CP¹ PR^{2,3}

1.Introduction:

1.1 The extant CP⁴ is ‘to further amend the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009).’⁵

(a) ‘Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) issued by the Telecom Regulatory Authority of India lays down the regulatory framework for Mobile Number Portability (MNP) in the country’.⁶

(b) Till date eight amendments of the Telecommunication Mobile Number Portability Regulations, 2009 have been issued in addition to three notifications.⁷

(c) The ‘Time Line’ of various activities associated with MNP as delineated from the extant CP⁸ are:

(i) ‘Facility of MNP was launched in Haryana service area on 25th November 2010’⁹

(ii) ‘extended to the entire country on 20th January 2011.’¹⁰

(iii) ‘in accordance with the provisions contained in the National Telecom Policy-2012¹¹ regarding “OneNation-Full Mobile Number Portability”, full MNP was implemented w.e.f. 3rd July 2015.’¹²

(i) ‘It has been decided to discontinue the earlier process of SIM swap/replacement issued vide instructions dated 01.08.2016’¹³.

(ii) letter dated 27th September, 2022 to TRAI¹⁴.

(iii) instructions dated 01.08.2018¹⁵.

(iv) the regulation 6A of Telecommunication Mobile Number Portability Regulations, 2009 (“principal regulations”)¹⁶

(v) ‘a meeting with the wireless access providers and Mobile Number Portability Service Providers (MNPSPs) at TRAI, New Delhi on 22nd May, 2023’¹⁷.

(vi) letter dated 800-09/2023-AS. II dated 31st August, 2023¹⁸.

(vii) DoT nudge-letter dated 24th July, 2023¹⁹

(d) One earlier TRAI Direction²⁰ is also referenced in the extant CP²¹.

(e) The amendment is proposed by inserting or substituting some clauses in the Principal Regulation as already amended²² as below:

2. In regulation 6 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) (hereinafter referred to as “principal regulations”), after clause (h), the following clause shall be **inserted**, namely:-

“(i) a period of ten days has expired from the date of replacement of SIM, for any reason, of the mobile number.”

3. In regulation 6A of the principal regulations:-

(a) in sub-regulation (3), after clause (g) the following clause shall be **inserted**, namely:-

“(h) the request for unique porting code has been made before the expiry of ten days from the date of replacement of SIM, for any reason, of the mobile number.”;

(b) in sub-regulation (6), for the words, “clauses (b) to (g) of sub-regulation (3)” the words, “clauses (b) to (h) of sub-regulation (3)” shall be **substituted**;

(c) in sub-regulation (8), for the words, “clauses (b) to (g), provided under sub-regulation (3) of regulation 6A” the words, “clauses (b) to (h), provided under sub-regulation (3)” shall be **substituted**.

4. In regulation 9 of the principal regulations:-

(a) in sub-regulation (3), for the words, “conditions (a) to (g) contained in sub-regulation (3) of regulation 6A” the words, “conditions contained under clauses (a) to (h), of sub-regulation

(3) of regulation 6A” shall be **substituted**;

(b) in sub-regulation (4), for the words, “in clauses (b) to (g) of sub-regulation (3) of regulation 6A” the words, “under clauses (b) to (h), of sub-regulation (3) of regulation 6A” shall be **substituted**;

(c) in sub-regulation (6), for the words, “in clause (b) to (g) of sub-regulation (3) of regulation 6A” the words, “under clauses (b) to (h), of sub-regulation (3) of regulation 6A” shall be **substituted**.

5. In regulation 10 of the principal regulations, in sub-regulation (1), for the words, “clauses (a) to (g) under sub-regulation (3) of regulation 6A” the words, “clauses (a) to (h) of sub-regulation (3) of regulation 6A” shall be **substituted**.²²

Issues for Consultation

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.

Ans.1. The reference ‘(instructions dated 01.08.2018²³ as enclosed may kindly be referred)’ mentioned in the extant CP²⁴ is not available in the same²⁵ so ‘No Comments’. Kindly refer **Ans.4**. also.

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

Ans.2. No comments in view of **Ans.1**. Kindly refer **Ans.4**. also.

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.

Ans.3. The phrase ‘appropriate stage’ is quite vague. So no comments. Kindly refer **Ans.4**. also.

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.

Ans.4. The following is submitted for kind consideration.

Part ‘A’

1. The following may please be noted:

(a) As per reference 7.(i) ‘1. For sub-regulation (2) of regulation 1 of the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018), the following sub-regulation shall be substituted namely: - "(2) These regulations shall come into force from the 16th December 2019”

&

As per 7.(ii) ‘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.’

&

As per reference 7.(iii) ‘1. For sub-regulation (2) of regulation 1 of the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018), the following sub-

regulation shall be substituted namely - "(2) These regulations shall come into force from the 11th November, 2019".'

(i) There is an obvious inconsistency regarding as to 'come in force' for 7th amendment on 16th December 2019 & 8th amendment on 11th November, 2019 as per culled information in para 1.(a) above.

2. As per extant CP²⁶ '1. (1) These regulations may be called the Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023 (__ of 2023).

(2) These regulations shall come into force from the _____, 2023.'

Part "B"

1. Please refer to paras **Part 'A'.1.,A.1a(i),2.** above:

(a) Inconsistency²⁷ may be clarified

(b) It may explicitly be mentioned in explanatory memorandum of extant CP that Principal Regulation as amended up to eighth amendment(inclusive) will remain operative till the date of 'come into force' for the ninth amendment is, as and when, announced.

(c)It may be prudent to **INSERT** clause/clauses about **e-sim**, already a reality, in the proposed ninth amendment.

References

1. https://tra.gov.in/sites/default/files/CP_21092023.pdf

2. https://tra.gov.in/sites/default/files/PR_No.90of2023.pdf

3. https://tra.gov.in/sites/default/files/PR_No.105of2023_0.pdf

4. supra reference '1'.

5. First para supra reference '1'.

6. Para '2' supra reference '2'.

7.

(i) https://tra.gov.in/sites/default/files/Memorandum_08112019.pdf (notification)

(ii) https://tra.gov.in/sites/default/files/Regulation_MNP_01102019.pdf (eighth amendment)

(iii) https://tra.gov.in/sites/default/files/Regulation_27092019.pdf (notification)

(vii) <https://tra.gov.in/sites/default/files/RegulationsMNPEng13122018.pdf> (seventh amendment)

(v) https://tra.gov.in/sites/default/files/Regulation_12062019.pdf (notification)

(vi) https://tra.gov.in/sites/default/files/Sixth_Amendment_25_Feb_2015.pdf (sixth amendment)

(vii) https://tra.gov.in/sites/default/files/Fifth_Amendment_22_Jul_2013.pdf (fifth amendment)

(viii) <https://tra.gov.in/sites/default/files/4th%20Amendment-MNP-19sep-2012.pdf> (fourth amendment)

(ix) <https://tra.gov.in/sites/default/files/MNP-Regulation8tjune12.pdf> (third amendment)

(x) https://tra.gov.in/sites/default/files/MNP_Regulation24nov10.pdf (second amendment)

(xi) https://tra.gov.in/sites/default/files/MNPRegulation_amendment28jan10.pdf (amendment)

(xii)

<https://tra.gov.in/sites/default/files/201208081218350931511Regulation23sep09%5B1%5D.pdf>

(Principal Regulation).

8. supra reference '1'.

9. Para A.2. of reference supra '1'.

10. *ibid.*

11. para '13' of [https://www.meity.gov.in/writereaddata/files/National%20Telecom%20Policy%20\(2012\)%20\(480%20KB\).pdf](https://www.meity.gov.in/writereaddata/files/National%20Telecom%20Policy%20(2012)%20(480%20KB).pdf)

12. Para A.2. of reference supra '1'.

13. B.7.b page 8/10 supra '1'.

https://dot.gov.in/sites/default/files/2016_08_01%20PoIA%20AS.pdf?download=1

14. para B. page '5/10' reference supra '1'.

