



सत्यमेव जयते

भारतीय दूरसंचार विनियामक प्राधिकरण
TELECOM REGULATORY AUTHORITY OF INDIA
भारत सरकार /Government of India



Dated the 26th February, 2020

DIRECTION

Subject: Amendment to the Direction No. 116-6/2017-NSL-II (Vol. III) dated 17th October, 2019, issued under section 13, 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), read with regulation 5 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009).

No. 116-6/2017-NSL-II (Vol.III) ---- Whereas the Telecom Regulatory Authority of India (hereinafter referred to as the "Authority"), established under sub-section (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as the "TRAI Act"), has been entrusted with discharge of certain functions, inter alia, to regulate the telecommunication services, protect the interests of consumers of the telecom sector, ensure technical compatibility and effective inter-connection between different service providers, lay-down the standards of quality of service to be provided by the service providers and ensure the quality of service and conduct the periodical survey of such service provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Authority has, vide its Direction of even no. dated 17th October, 2019, *inter-alia*, directed Access Service Providers to set up, in its mobile network, a mechanism for the purpose of receiving Short Message Service (SMS) from its subscribers requesting for a Unique Porting Code (hereinafter referred to as "UPC") as well as for cancellation of the already in progress port request as per the mechanism provisioned in the Telecommunication Mobile Number Portability (Seventh Amendment) Regulations, 2018 (9 of 2018) dated 13th December, 2018 (hereinafter referred to as the "seventh amendment regulations"), as the case may be, and forwarding such requests to the Mobile Number Portability Service Provider of the zone to which the mobile number belongs;

3. And whereas the Authority, vide the direction referred to in the para above, also directed Mobile Number Portability Service Providers to generate the UPC, as per the mechanism

provisioned in the seventh amendment regulations and prevailing instructions issued from time to time; and the UPC so generated shall be valid for a period of four days, in all the licensed service areas except Jammu and Kashmir, Assam and North East service areas, where the validity of the UPC shall be thirty days, from the date of first request made by the subscriber, irrespective of the number of requests made by the subscriber for the porting of the same mobile number, or till the date of porting, whichever is earlier;

4. And whereas the seventh amendment regulations to the principal regulations of Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), and provisions of the revised MNP process, in accordance with the seventh amendment regulations, have been implemented with effect from 16th December, 2019;

5. And whereas the Department of Telecommunications, through the guidelines dated 24th January, 2013 regarding issue of multiple mobile connections in Jammu and Kashmir licensed service area, has provisioned that at the time of issuing a second or third connection onwards, to a customer in Jammu & Kashmir, telecom service provider shall make a reference to the local Police for its clearance and in cases where no reply is received from the Police within the specified time of ten days, the telecom service provider can activate the second or further multiple connection, as per the procedure applicable for providing a mobile connection in Jammu & Kashmir and after following the procedure of tele-calling and physical verification prescribed for second or third connection onwards respectively;

6. And whereas, in the scenario of inter-circle porting, a subscriber intending to port his second or subsequent mobile connections from any of the telecom service provider belonging to a licensed service area other than Jammu & Kashmir, North East and Assam, to the telecom service provider in Jammu and Kashmir licensed service area, will face rejection of porting request as the UPC generated by the subscriber with the validity of four days (as specified through seventh amendment regulations) will be no longer valid upon expiry of ten days time specified through the instructions of Department of Telecommunications for clearance from local Police, as referred to in para above;



7. And whereas, suggestions were invited from the Mobile Number Portability Service providers and subsequently on 30th January, 2020, a meeting was held with the Mobile Number Portability Service providers and telecom service providers in which the issues were discussed extensively and telecom services providers had emphasised that there are practical difficulties in submission of the port request, after the requisite verification, within the UPC validity period of four days, even in the cases of first mobile connection; therefore there was a consensus that in the case of inter-circle porting with recipient operator belonging to Jammu and Kashmir Circle, validity of the UPC need to be at least fifteen days so as the period of clearance from local Police is taken care of for onward submission of porting requests by recipient operator to the Mobile Number Portability Service provider;

8. Now therefore, the Authority, in exercise of the powers conferred upon it under section 13, 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) and regulation 5 and regulation 18 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009); and for the reasons mentioned in the paragraphs 5 and 6 above and to ensure compliance of terms and conditions of license and to protect the interest of consumers, hereby makes the following amendment to the Direction No. 116-6/2017-NSL-II (Vol. III) dated 17th October, 2019, namely:-

(a) After second proviso under sub-clause (ii) of clause 12 of the said Direction, the following proviso shall be inserted: -

“ Provided also that if upon receipt of the porting request from recipient operator, the Mobile Number Portability Service Providers finds that the recipient operator belongs to Jammu & Kashmir licensed service area and the donor operator belongs to any licensed service area other than Jammu & Kashmir, North East and Assam; the validity of the UPC in such porting requests shall be deemed to be fifteen days and validity of UPC shall be counted ignoring the day on which the request for UPC is made by the subscriber.”


(Syed Tausif Abbas) 26.2.2020

Advisor (Network, Spectrum and Licensing)

To,

All Access Service Providers (Wireless) &
Mobile Number Portability Service Providers