



Draft Telecommunication Mobile Number Portability (Ninth Amendment)

Regulations, 2023

CUTS Comments

Background

Consumer Unity & Trust Society (CUTS) expresses its gratitude to the Telecom Regulatory Authority of India (TRAI) for inviting comments and suggestions on the draft Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023.

About CUTS

CUTS¹ is an independent, nonpartisan, and non-profit policy think tank that has been working towards enhancing the regulatory environment through evidence-based policy and governance-related interventions across various sectors and boundaries. In its 39 years of operation, CUTS has come a long way from being a grassroots consumer centric organisation headquartered in Jaipur, having centres in Delhi², and Kolkata³, to now opening overseas Resource Centres in Vietnam⁴, Kenya⁵, Zambia⁶, Ghana⁷, Switzerland⁸, and in the United States of America.⁹ CUTS has been actively representing consumers' interest before different state governments and central government ministries through various programme centres, namely: Centre for International Trade, Economics & Environment (CITEE)¹⁰; Centre for Consumer Action, Research & Training (CART)¹¹; Centre for Human Development (CHD)¹² and Centre for Competition, Investment & Economic Regulation (CCIER).¹³

CUTS works on various issues to foster an inclusive digital economy¹⁴ which include data

¹ [CUTS International – Consumer Unity & Trust Society \(cuts-international.org\)](https://cuts-international.org)

² [CUTS Delhi Resource Centre](#)

³ [CUTS CRC](#)

⁴ [CUTS HRC](#)

⁵ [CUTS Nairobi](#)

⁶ [CUTS Lusaka](#)

⁷ [CUTS Accra](#)

⁸ [CUTS Geneva](#)

⁹ [CUTS WDC](#)

¹⁰ [CUTS Citee](#)

¹¹ [CUTS Cart](#)

¹² [CUTS CHD](#)

¹³ [CUTS CCIER](#)

¹⁴ [Inclusive Digital Economy - Ccier \(cuts-ccier.org\)](#)

protection¹⁵, data localisation¹⁶, children's data protection¹⁷ and encryption¹⁸ among others. CUTS work is aligned with various ministries and government departments for advocacy efforts¹⁹ on various issues, more recently on selective banning of OTT services²⁰, digital competition²¹, competitive neutrality²², Caller Name Presentation²³, and Online Gaming²⁴. Based on such evidence-based studies, CUTS is pleased to submit its comments on the draft amendments.

CUTS Submission on 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.

Certainly, it's important to address the issue of fraudulent porting and SIM swap/replacement/upgradation to maintain the security of the consumers' data and services. Instances have arisen in which customers desired to switch their phone number to a new operator, but the current operator did not issue the unique porting code due to an existing request for a change in ownership of the number.²⁵

However, the suggested amendment criteria may present further challenges for consumers. The introduction of additional criteria could place an extra burden on them. In this regard, it is also imperative to note that a recent study delving into the experiences of telecom consumers when porting their mobile numbers from one service provider to another within the last two years revealed a noteworthy observation. Specifically, 25 percent of the respondents underscored the complexity of the porting process.²⁶

In our view, the ten-day waiting period for generating a UPC code following a SIM replacement could potentially cause inconvenience to the end consumer, especially if they have an urgent need to port their number.

Also, TRAI should provide compelling evidence demonstrating how the proposed ten day time limit of generating the UPC code after the SIM replacement will effectively deter SIM swapping fraud. Conducting a cost-benefit analysis is crucial to assess its effectiveness in preventing fraud compared to any potential challenges it may impose on consumers.

Additionally, the responsibility of preventing frauds should also lie with Mobile Number

¹⁵ [Cdpp - Ccier \(cuts-ccier.org\)](#)

¹⁶ [Understanding the Impact of Data Localization on Digital Trade - Ccier \(cuts-ccier.org\)](#)

¹⁷ [Highlighting Inclusive and Practical Mechanisms to Protect Children's Data - Ccier](#)

¹⁸ [Understanding Consumers' Perspective on Encryption - Ccier \(cuts-ccier.org\)](#)

¹⁹ [Advocacy - Ccier](#)

²⁰ [comments-on-trai-cp-on-regulatory-mechanism-for-ott-services-and-selective-banning.pdf \(cuts-ccier.org\)](#)

²¹ [advocacy-joint-open-letter-by-stakeholders-to-the-mca-on-the-digital-competition-bill.pdf \(cuts-ccier.org\)](#)

²² [Promoting Competitive Neutrality in Government Using Advocacy](#)

²³ [CUTS Comments on the TRAI Consultation Paper on Calling Party Name Presentation Facility](#)

²⁴ [CUTS Comments on the Draft Amendments to The Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021 relating to Online Gaming](#)

²⁵ <https://consumercomplaintscourt.com/airtel-not-providing-upc-code-for-mobile-number-portability/>

²⁶ [1 in 4 mobile subscribers struggled with the number porting process](#)

Operators (MNOs) to implement robust security measures. MNOs should proactively develop methods to distinguish between genuine consumer requests and those from fraudsters. For instance, this can be achieved by employing Artificial Intelligence (AI) driven fraud detection systems. It is a more balanced and effective strategy to combat fraud while minimising inconvenience to consumers.

It is also important to note that TRAI in the *consultation paper on Review of Mobile Number Portability (MNP) process*²⁷ also recognised deficiencies within the porting process. These issues included non-generation of UPC by the donor operator (DO), non-receipt of UPC by the subscriber, and multiple rejections of porting requests by donor operators on various grounds, among others. Hence, there is a need for simplification of the porting process and not to create additional obstacles and hassles for consumers.

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

As highlighted above, CUTS is sceptical of the amendment criteria for rejection of the request for allocation of UPC in case of MNP to curb fraudulent porting and swapping.

Hereby, CUTS reiterates its stand that MNOs must take proactive steps to enhance the security of their systems, ensuring the integrity and trustworthiness of the services they offer to their customers.

Also, as indicated above, TRAI should streamline the process to ensure the effective operation of the process in consumers' best interest.

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 the Donor Operator. If the subscriber's demographic details match, then only further steps in the MNP process may be allowed; otherwise, the porting process may be terminated.

(a) The suggestion to electronically transfer subscriber demographic details in the MNP process has several advantages. Firstly, it promises to significantly enhance the efficiency of the process as electronic transfers can substantially reduce time delays, allowing subscribers to complete the process more swiftly. Additionally, this is likely to improve data accuracy, as electronic transfers minimise the chances of errors as opposed to manual data entry.

However, there are some issues to consider. The parliament recently passed the Digital Personal

²⁷ [Consultation Paper on Review of Mobile Number Portability \(MNP\) process](#)

Data Protection Act, 2023, which notably lacks provisions for right to data portability. Considering that MNOs will have a significant amount of consumer data, the suggestion of electronically transferring consumer data without involving consumers directly, raises significant privacy issues, potentially infringing upon their fundamental right to privacy. Addressing this issue and ensuring that consumers have control over their personal information is paramount to ensure consumer protection. The absence of right to data portability in the legislation compounds these concerns, necessitating a comprehensive approach to safeguarding consumer rights and data privacy.

Also, it is advisable to define the precise stage at which the transfer of demographic details may occur, with a strong emphasis on securing the consumer's consent. Clearly outlining the timing of the transfer will bolster transparency and streamline the entire process, reducing potential confusion. This approach not only fosters transparency but also guarantees that consumers are thoroughly informed about the process, enabling them to grant their informed consent knowingly and willingly.

Secondly, data security remains a paramount concern when contemplating the electronic transfer of consumer data, as it may be vulnerable to data breaches. In the event of such breaches, a clear framework for accountability must be established within the data porting process to safeguard consumers' sensitive information and ensure that responsible parties are held accountable. This added layer of accountability is essential to maintain trust and integrity in data transfer practices.

(b) The requirement for the recipient operator to match the demographic details of the subscriber with those received from the Donor Operator is a crucial security measure in the MNP process. This safeguard may reduce the risk of unauthorised or erroneous porting, preserving process integrity and ensuring the correct subscriber information is transferred.

However, while matching demographic details is a crucial security measure, there are potential drawbacks to consider. The most significant concern is the possibility of delays in the MNP process. Strict matching criteria could lead to complications if there are any discrepancies in the subscriber's information between the donor and recipient operators. Small variations in details, such as spelling differences, could potentially lead to the termination of the porting process. This might further pose challenges to subscribers, particularly if they face unexpected hurdles in switching service providers.

It has already been pointed out through the study that a significant number of consumers face hurdles in the MNP process. Hence, striking the right balance between security and a seamless customer experience is essential in implementing this matching requirement.

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.

Undoubtedly, simplifying the MNP process is imperative to facilitate a smoother experience for consumers. This urgency is underscored by the said study revealing that numerous consumers faced obstacles, such as delays and bottlenecks caused by their original mobile

service providers when attempting to switch to a new operator.²⁸ In this regard, CUTS suggests adopting the following measures to simplify the MNP process for the benefit of consumers.

1. *Introduce Single-Step Online Process:* Implement a single-step online MNP process where customers can initiate the porting request directly through their service provider's website or a dedicated MNP portal/app. This eliminates the need for a physical visit to the service provider's store.
2. *Increase the validity for UPC code:* The validity of the UPC needs to be extended to at least a week from its current four days duration. In regions like Jammu & Kashmir, Assam, and the North East, where it remains valid for 30 days, this period should be increased to 45 days, given the extended timeline required for MNP completion in these areas. Extending the UPC validity eases the transition and minimises disruptions for consumers.
3. *Reduction in the porting time:* At present, the Mobile Number Portability (MNP) process typically spans seven working days for completion. However, in the specific regions of Jammu & Kashmir, Assam, and the North East, this period may extend to up to 15 days. A uniform MNP timeline across the country should be promoted, ensuring equal and efficient service, promoting competition, and benefiting consumers regardless of their location.

It is to be noted that many countries have a much shorter time period for mobile number portability, such as 3 minutes for Australia, 2 hours for the USA, and 1 day for Japan and Singapore.²⁹ India has a lot to cover in this regard, and thus, TRAI may consider reducing the porting time for the benefit of consumers.

4. *Reduce or eliminate the porting charges:* Many countries such as the USA, Canada, France, and many others have made the porting process free in their countries.³⁰ It is advisable that India may also consider eliminating, or at least a reduction in the porting charges.
5. *Allow transfer of benefits from donor operator to recipient operator:* Currently, consumers favour tariff plans that offer free calls and daily data packages. It is suggested that consumers have the advantage of transferring their balance from the Donor Operator to the Recipient Operator. This adjustment will enhance the mobile number portability experience and empower consumers to switch providers more seamlessly.
6. *Leveraging the benefits of eSim:* An eSIM, or embedded SIM, a digital SIM allows users to activate mobile plans without physical cards. eSim facilitates network switching without the need for physical SIM cards when changing carriers, thus enabling hassle-free portability. The convenience of eSIM also helps by reducing paperwork and activation time, ultimately offering consumers a more efficient and convenient process for changing mobile service providers.³¹

²⁸ [1 in 4 mobile subscribers struggled with the number porting process](#)

²⁹ [Mobile number portability - Wikipedia.](#)

³⁰ [\(PDF\) INTERNATIONAL JOURNAL OF MANAGEMENT RESEARCH AND REVIEW CUSTOMER'S AWARENESS AND THEIR SWITCHING INTENTION TOWARDS MOBILE NUMBER PORTABILITY WITH SPECIAL REFERENCE TO NATIONAL CAPITAL REGION](#)

³¹ [eSIMs - a boon for consumers, a bane for telcos?](#)

It is to be noted that according to a study, India is expected to have the highest eSim connectivity by 2027.³² Apart from facilitating the porting process, eSim also ensures security benefits against porting scams.³³ Promoting the growth of eSIM technology in India and fostering a supportive ecosystem in this regard is highly recommended.

7. *Leveraging cutting-edge technologies* like AI and blockchain to bolster the security and reliability of the mobile number portability process. AI algorithms can swiftly detect and flag any irregular or fraudulent activities related to porting requests, providing an additional layer of security. Meanwhile, leveraging blockchain technology can ensure the creation of a secure and unchangeable ledger, making it extremely challenging for fraudsters to manipulate or alter records. These advanced technologies collectively bolster the protection of consumer data and minimise the risk of fraudulent activities in the mobile number portability system.
8. *Increased Consumer Awareness:* Increased awareness campaigns to educate consumers about the MNP process, their rights, and the steps involved. Owing to a significant lack of awareness, a substantial portion of consumers remains unfamiliar with the MNP process.³⁴ Consequently, it becomes imperative to undertake comprehensive and effective initiatives to enlighten the general public about MNP. This can include advertisements, social media campaigns and supporting consumer organisations that undertake such initiatives.

Consumer Unity & Trust Society (CUTS) expresses gratitude to Telecom Regulatory Authority of India (TRAI) for inviting comments on the Consultation Paper on Draft Telecommunication Mobile Number Portability (Ninth Amendment) Regulations, 2023. CUTS looks forward to TRAI accepting the above suggestions and ensuring a hassle free porting process for the consumers. We would be glad to make an in-person presentation of our submission before TRAI.

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³² [eSIMs: India & China to Represent 25% of Smartphones... Infographic](#)

³³ [eSIM Cards FAQ | Federal Communications Commission](#)

³⁴ [Consumer Awareness Towards Mobile Number Portability In Haryana - A Study](#)