

**TELECOM REGULATORY AUTHORITY OF INDIA**  
**Mahanagar Doorsanchar Bhawan, Jawahar Lal Nehru Marg,**  
**(Old Minto Road), Delhi-110002.**

**New Delhi, the 3<sup>rd</sup> December, 2010**

**DIRECTION**

Subject: Direction, under section 13, read with clause (b) of sub-section (1) and sub-section (2) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) to all Cellular Mobile Telephone Service Providers and Unified Access Service Providers regarding charges being levied on the subscriber for sending SMS to short code number 1900.

No.301-24/2010-ER ----- Whereas the Telecom Regulatory Authority of India, [hereinafter referred to as the Authority], has been 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, 1997) and entrusted discharge of certain functions *inter alia*, to regulate the telecommunication services, ensure compliance of terms and conditions of licence, fix the terms and conditions of inter-connectivity between the service providers, ensure technical compatibility and effective inter-connection between different service providers, regulate arrangement amongst service providers of sharing their revenue derived from providing telecommunication services, 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 interest of the consumers of telecommunication service, notify rates for telecommunication services;

2. And whereas the facility which allows a subscriber to retain his mobile telephone number when he moves from one access provider to another

irrespective of mobile technology or from one cellular mobile technology to another of the same access provider, promotes competition and efficiency in the telecom sector, particularly in the area of mobile telecommunications;

3. And whereas the Authority had, in exercise of the powers conferred by section 36, read with sub-clauses (i), (iii) and (v) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997, made the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009)(hereinafter referred to as the regulations);

4. And whereas Department of Telecommunications has, vide letter No. 16-3/2009-AS-III/vol. 1/866 dated 19<sup>th</sup> November, 2009, addressed to all Access Service Providers, allocated the short code number 1900 for the purpose of receiving Short Message Service (SMS) message from the subscriber requesting for a unique porting code;

5. And whereas the Authority had, in exercise of the powers conferred by section 36, read with sub-clauses (ii), (iii), (iv) and (v) of clause (b) of sub-section (1) of section 11 of the TRAI Act, 1997, made the Telecommunication Mobile Number Portability Per Port Transaction Charges and Dipping Charges Regulations, 2009 (9 of 2009);

6. And whereas the regulations have been implemented in Haryana service area with effect from 25<sup>th</sup> November, 2010 and is likely to be implemented soon in other service areas in the country;

7. And whereas sub-regulation (3) of regulation 8 of the regulations, provides that for the purpose of porting, the Recipient Operator shall ask the subscriber to send a message through SMS to a specified short code of the donor operator from the subscriber's mobile number which is sought to be ported;

8. And whereas during the consultation process on determination of port transaction charge, dipping charge and porting charge for the Mobile

Number Portability, few service providers had submitted that the mobile number portability would result in Donor Operators incurring extra burden by way of administrative costs involved in processing the porting request and, therefore, such service providers should be compensated for cost incurred by them;

9. And whereas the Authority examined the issues raised by the service providers, as referred to in the preceding para, and noted that the procedure for the Mobile Number Portability as laid down by the Authority under the regulations does not require the Donor Operator to carry out any significant work and in so far as switch over of a subscriber is concerned, a subscriber is free to terminate his connection with a service provider at any time, the only requirement being that the subscriber should clear his outstanding dues, if any;

10. And whereas it has been brought to the notice of the Authority that some service providers are charging the subscribers at higher rate than the ordinary rate for the SMS sent by them to short code number 1900;

11. And whereas levy of higher SMS charges on the subscribers for SMS sent by them to short code number 1900 is in contravention of the provisions of the Telecommunication Mobile Number Portability Per Port Transaction Charges and Dipping Charges Regulations, 2009 (9 of 2009);

12. Now therefore, in exercise of powers conferred upon the Telecom Regulatory Authority of India under section 13, read with clause (b) of sub-section (1) and sub-section (2) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), and in order to protect interests of the consumers of telecom sector and to facilitate growth of telecom services in India and for the reasons mentioned in the preceding paragraphs, the Telecom Regulatory Authority of India hereby directs the Cellular Mobile Telephone Service Providers and Unified Access Service Providers to treat the SMS sent to short code number 1900 as ordinary SMS for the purpose

of charging and the rate for such SMS shall not exceed the tariff applicable for ordinary SMS under the tariff plan opted by the subscriber.

(Raj Pal)  
Advisor (ER)

To,

All the CMTS & UASL