



RSM/COAI/2020/052

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New Delhi – 110002.

**Subject: COAI Counter Comments to the submissions made by Stakeholders on TRAI draft  
“the Telecommunication Tariff (Sixty Fifth Amendment) Order, 2020”**

Dear Sir,

This is with reference to the TRAI draft “the Telecommunication Tariff (Sixty Fifth Amendment) Order, 2020” released on February 18, 2020.

In this regard, please find enclosed COAI Counter Comments to the submissions made by Stakeholders on the said draft Tariff Order.

We hope that our submission will merit your kind consideration and support.

With Regards,

Yours faithfully,

**Rajan S. Mathews**  
**Director General**



**Counter Comments to submissions made by Stakeholders on  
TRAI draft Telecommunications Tariff (65<sup>th</sup> Amendment) Order, 2020  
released on February 18, 2020**

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At the outset, we are thankful to TRAI for providing the opportunity to submit counter comments on the comments submitted by various stakeholders.

We would like to reiterate that there is a need to put the restriction on the usage of the unauthorized route of sending Unsolicited Commercial Communications (UCC) by the Unregistered Telemarketers (UTMs). To protect the subscribers from UTMs, the existing Schedule XIII of the TTO, which is one of the successful measures to reduce the use of P2P messaging route by the UTMs, should not be repealed from the TTO.

Further, putting a cap on the discounted/free SMSs to 100 per day has helped to restrict the UTMs from using unauthorized route to send commercial communications and would certainly have encouraged many entities to become registered telemarketers (RTMs).

Considering the above, we would like to address certain submission made by some of the stakeholders. From the comments of these stakeholders, we understand that they belong to one of the Public Sector organization i.e. Indian Railways. Below are our comments on their submission:

**Submission made by the Respondent:** *The respondent in its submission has mentioned that their organization need to send bulk SMSs for operational, Maintenance and Safety of train operations and the 54<sup>th</sup> amendment is creating difficulties in sending bulk SMSs within its own CUG which are required for maintenance and operational purpose.*

TRAI had introduced the 54<sup>th</sup> amendment in order to curb the bulk SMSs being sent by unregistered telemarketers (UTMs) and encourage any entity who wants to use bulk SMS services towards the authorized route i.e. through registered telemarketers (RTMs). The concern of the said respondent that they are facing difficulty in sending bulk SMSs using P2P route and hence requesting the deletion of Schedule XIII is unwarranted. The said requirement of the respondent i.e. delivering SMS from one railway CUG number to multiple railway CUG numbers, can be addressed in a much simpler and effective manner by adopting the already available solutions. In order to cater their requirement of sending bulk SMSs, railways can utilize the bulk SMS services, offered by various registered telemarketers which can be used to cater to these requirements. In fact, the registered telemarketers are well equipped to cater such requirements.

Deletion of schedule XIII as suggested by the respondent will have negative impact as it opens again the unauthorized route of messaging where UTMs will use the P2P route for promotional messages. The regulations issued by TRAI to regulate use of the bulk SMSs by the Principal Entities (PEs) should be adhere to in letter and spirit and we suggest that any use of bulk SMSs should be in accordance with the provisions of the said Regulations. While, we understand the importance of the communication being required between various CUGs mentioned by the





respondent, the respondent can adopt the technology driven solution as is being offered by the TSPs and Telemarketers and supported by TRAI Regulations.

**In view of the same, we once again request TRAI not to amend the TTO i.e. not to repeal the Schedule XIII which gives protection to the subscribers from the UTMs. The measures notified vide 54<sup>th</sup> amendment (i.e. Schedule XIII) has been in the consumer interest. If the prescribed floor of 50 paisa/SMS after 100 SMS/SIM/day is removed, consumers will be impacted by spam messages from UTMs.**

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