



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



07-12-2021

DIRECTION

Subject: Direction under section 13, read with section 11, of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) to Telecom Service Providers for ensuring compliance with TRAI's Regulations/Directions in respect of outgoing SMS facility to porting out customers.

No.CC-5/(2)/2021-FEA-I. Whereas the Telecom Regulatory Authority of India (hereinafter referred to as "the Authority"), established under subsection (1) of section 3 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997) (hereinafter referred to as "TRAI Act, 1997"), has been entrusted with discharge of certain functions, inter-alia, to regulate telecommunication services; notify the rates at which the telecommunication services within India and outside India shall be provided; to protect the interests of the service providers and consumers of the telecom sector;

2. And whereas regulation 4 of the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009) dated 23.09.2009 (hereinafter referred to as "MNP Regulations") provides that every Access Provider shall facilitate in its entire network, Mobile Number Portability to all subscribers, both pre-paid and post-paid and shall, upon request, provide the same on a non-discriminatory basis;

3. And whereas sub-regulation (1) of regulation 5 of MNP Regulations provides that every Access Provider shall 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 and forwarding the same to the Mobile Number Portability zone to which the mobile number belongs;

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7.12.21.

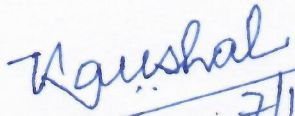
4. And whereas the Authority, vide direction dated 03.12.2010, directed cellular mobile telephone service providers and unified access service providers to treat the SMS sent to short code number 1900 as ordinary SMS for the purpose of charging and the rate for such SMS shall not exceed the tariff applicable for ordinary SMS under the tariff plan opted by the subscriber;

5. And whereas, in the recent past, the Authority has received various complaints from subscribers for not being able to send SMS on short code 1900, specified for UPC generation for availing MNP facility despite having sufficient balance in their prepaid accounts;

6. And whereas the issue has been examined and it is noticed that Telecom Service Providers are not providing outgoing SMS facility in certain prepaid vouchers;

7. And whereas the Authority is of the view that this practice of non provision of the facility of sending MNP related SMS in certain pre-paid vouchers/plans is in contravention of the provisions of MNP Regulations, as it takes away the consumer's right, provided for in the regulations, to avail mobile number portability facility;

8. Now, therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with section 11, of TRAI Act, 1997, hereby directs all access service providers to enable, with immediate effect, for all mobile subscribers, both prepaid and postpaid, requesting for a unique porting code, the facility to send SMS on short code 1900, in order to exercise their right to avail porting facility in accordance with the Telecommunication Mobile Number Portability Regulations, 2009 (8 of 2009), irrespective of the value of the tariff offers/vouchers.


7/12/21.
(Kaushal Kishore)
Advisor(F&EA)