

F.No.341-3/2011-CA (QoS)
Telecom Regulatory Authority of India
Mahanagar Doorsanchar Bhavan,
Jawaharlal Nehru Marg, Next to Zakir Hussain College,
New Delhi – 110 002.

Dated the 25th January, 2012

DIRECTION

Subject: Direction under section 13, read with sub-clauses (i) and (v) of clause (b) of sub-section (1) of section 11 of the Telecom Regulatory Authority of India Act, 1997 (24 of 1997), regarding exemption from the limit of two hundred SMS per day per SIM.

F.No.341-3/2011-CA(QoS)---- Whereas the Telecom Regulatory Authority of India (hereinafter referred 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 TRAI Act), has been entrusted with discharge of certain functions *inter alia*, to regulate the telecommunication services, ensure compliance of the terms and conditions of the licenses, 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 services provided by the service providers so as to protect the interest of the consumers of telecommunications service;

2. And whereas the Authority had, in exercise of the powers under section 36, read with sub-clause (v) of clause (b) of sub-section (1) and clause (c) of sub-section (1) of section 11 of the TRAI Act, notified the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010) dated the

1st December, 2010, (hereinafter referred to as the regulations) to regulate unsolicited commercial communications;

3. And whereas clause (ka) of sub-regulation (2) of regulation 20 of the said regulations provides that no Access Provider shall permit sending of more than two hundred SMS per day per SIM;

4. And whereas clause (kb) of sub-regulation (2) of regulation 20 of the said regulations further provides that the Authority may by direction, from time to time, specify the category of SMS which shall be excluded from the limit of two hundred SMS per day per SIM;

5. And whereas Authority received representations that in view of the limit of the two hundred SMS per day per SIM specified under clause (ka) of sub-regulation (2) of regulation 20 of the regulations, it is not possible to send Machine to Machine and Person to Machine SMS, exceeding the said limit, which are sent by them to initiate process or application for their operational requirement;

6. And whereas the Authority has duly considered the representations referred to in the preceding para and is of the view that messages from Machine to Machine and Person to Machine need to be excluded from the limit of two hundred SMS per day per SIM;

7. Now therefore, the Authority, in exercise of the powers conferred upon it under section 13, read with sub-clauses (i) 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 clause (kb) of sub-regulation (2) of regulation 20 of the Telecom Commercial Communications Customer Preference Regulations, 2010 (6 of 2010), hereby directs all Access Providers to exclude from the limit of two hundred SMS per day per SIM, all machine to machine and person to machine

messages, where machine is not a mobile handset and no manual intervention is required at the receiving end.

(A. Robert Jerard Ravi)
Advisor (QoS & SP)

To
All Access Providers