



MOBILE NUMBER PORTABILITY (AMENDMENT) REGULATIONS, 2010

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TRAI has amended the Telecommunication Mobile Number Portability Regulations, 2009 (Regulation) dated September 23, 2009 laying down the basic business process framework for implementation of mobile number portability (MNP) in India by a notification dated January 28, 2010 and enacting Mobile Number Portability (Amendment) Regulations, 2010. The government has decided to extend the time for implementation of the Regulations to March 31, 2010, for all circles. Out of the 14 Regulations, the following were to be implemented on December 31, 2009 – 6 (Procedure for porting), 7 (Grounds for rejection of porting request by Donor Operator), 8 (Rights and obligations of Donor Operator), 9 (Rights and obligations of Recipient Operator), 10 (Rights and obligations of MNP Service Provider), 11 (Rights and obligations of Mobile Telephone Service Providers), 12 (Obligations of Access Providers, National Long Distance Operators and International Long Distance Operators) and 13 (Reversal of number due to disconnection).

PSA view – Regulation 5 provides that every Access Provider shall, within 60 days from the date of these regulations coming into force, set up, in its mobile network, a mechanism for the purpose of receiving Short Message Service (SMS) from its subscribers requesting and allocating for a unique porting code for each such request and communicating it to the subscriber forthwith through SMS and retaining such unique porting number on its records for the purpose of verification of the porting request of such subscriber to be received eventually by it from the MNP Service provider. Considering the present preparedness of various service providers and the process involved, the step is a respite for the parties involved.

Broadcasting Services Regulation Bill to be placed in the Budget session

The MIB will be presenting the much-awaited Broadcasting Services Regulation Bill, 2007 (Bill) in the Parliament for deliberations. The Bill has been long overdue and will bring various aspects of broadcasting under umbrella legislation. The Bill provides for setting up of a Broadcasting Regulatory Authority of India (Authority) as a single regulatory body for television and radio registrations and licenses, content regulation and for formulating policies and guidelines for providing consumers access to broadcasting services. It further requires all channels to comply with a Content Code, as and when this code is notified. The Bill also provides for a Public Service Broadcasting Council that has to ensure that all broadcasters comply with their public service broadcasting obligations.

PSA view – At present more than 500 channels are broadcasted in India. Some of them either do not follow the existing uplinking/downlinking guidelines issued by the MIB or the programme code and the advertising code under Rule 6 and 7 of the Cable Television Network Rules, 1994, respectively. Therefore, it is absolutely necessary that there is a single Authority responsible for ensuring compliances with various

licenses and permissions and for also monitoring and regulating content. Most broadcasters are facing multiple litigations pertaining to the content telecast on their channels and, therefore, if there are specific, exhaustive, and fool proof guidelines, with a single government agency monitoring and enforcing them, it will ensure a reduction in content-related litigation. Finally, the broadcasting sector in India will emerge as more organized.

TRAI contemplating consultation paper on 4G mobile wireless broadband services

TRAI has floated a pre-consultation paper on 4G spectrum by way of a notice dated February 10, 2010. TRAI is contemplating to come up with a consultation paper on 4G mobile wireless broadband services which will allow users to stream mobile multimedia, such as TV broadcasts and online games, with speeds up to 10 times than that of 3G networks. 4G will facilitate higher bandwidth, higher data rate, lower authentication load, and support higher level of user-level customization.

PSA view – It is interesting that 4G talks have begun even without having conducted 3G auctions. We hope that by initiating discussions and releasing a consultation paper on 4G, TRAI in no way is trying to bypass 3G auctions or delay them further in any way. 4G is the next step after auctioning and successfully releasing 3G spectrum. However, for a better implementation of 4G as per global standards, it is necessary that the consumers and service providers familiarize themselves with 3G in order to better reply to any consultation papers. 3G is facing turbulence of its own with two wings of the DOT, namely the finance wing and the wireless division, having expressed their disagreement over important pricing and regulatory issues with the 3G auction process. This may delay the release of the proposed 3G spectrum even beyond September 2010. As consumers and prospective users of 3G and 4G (maybe not necessarily in that order), we await the release of spectrum and the launch of all the related value added services.

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