



M/S BARGABHIMA CABLE AND BROADBAND SERVICES

200, WARD NO – 8, PARBATIPUR, TAMLUK, PURBA MEDINIPUR, 721636

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Participation in Consultation Paper on Audit related provisions of Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017 and The Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual

Q1. Should provision of Regulation 15(1) be retained or should it be removed in the Interconnection Regulation 2017?

Answer : Yes, it should be retained, but not on compulsory basis.

It should be optional.

i) In case you are of the opinion that provisions of Regulation 15(1) should be retained then

a. Should it continue in its present form or do they need any modifications?

Answer : They need modifications.

b. In case you are of the opinion that modifications are required in Regulation 15(1) of the Interconnection Regulation 2017, then please suggest amended regulations along with detailed justification for the same.

c. Answer : For DPOs / MSOs less than 50,000 (Fifty Thousand) subscribers, this 15(1) is required to be optional. As for DPOs / MSOs less than 50,000 (Fifty Thousand) subscribers, the audit fees is becoming a big pain. Those MSOs can self certify their system(s). Even MSO / DPO can do compliance Audit only on optional basis, based on the subscribers count as mentioned.

ii) In case it is decided that provisions of Regulation 15(1) should be removed then what mechanism should be adopted to ensure that the monthly subscription reports made available by the distributors to the broadcasters are complete, true and correct?

Answer : If broadcasters have any query regarding the completeness, accuracy, trueness and correctness of the report, then they can conduct audit.

Q2. Should small DPOs be exempted from causing audit of their systems every calendar year, under Regulation 15(1) of Interconnection Regulation? Answer : Yes

A. If yes, then,






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1. Should 'subscriber base' of DPO be adopted as a criterion for defining small DPOs for this purpose?

Answer : Yes. i.e

If yes,

- a) what limit of the subscriber base should be adopted to define small DPOs for the purpose of exempting them from causing audit of their systems under Regulation 15(1)?

Answer : Less than equal to 50,000.

- b) on which date of the year should the DPOs' subscriber base be taken into consideration for categorising whether or not the DPO falls in exempted category?

Answer : Monthly average subscriber count as on 31st of March of every year, considering the period from 1st of April to 31st March every year.

- c) In case any distributor is offering services through more than one distribution platforms e.g. distribution network of MSO, IPTV, etc. then should the combined subscriber base of such distributor be taken into consideration for categorising whether or not the distributor falls in exempted category?

Answer : No. Distribution network of MSO, IPTV, etc should not be combined and considered together. This is because each and every platform such as distribution network of MSO, IPTV, etc involves different costs for retransmission.

- ii. If 'subscriber base' criterion is not to be adopted, then what criteria should be selected for defining small DPOs? Answer : There is no other option, as only the subscriber base criteria defines the strength of any DPO.

2. In case it is decided that small DPOs may be exempted from causing audit of their systems under Regulation 15(1), then should broadcasters be explicitly permitted to cause subscription audit and/or compliance audit of systems of






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such DPOs, to verify that the monthly subscription reports made available by the distributor to them are complete, true and correct?

Answer : True

- i. If yes, what should be the mechanism to reduce burden on small DPOs that may result due to multiple audits by various broadcasters?

Answer : Compliance Audit, conducted by the broadcaster / MSO / DPO who has audited the system first in a specific audit period should be considered only. But in case of Subscription Audit, the DPO self conducted Audit (15(1)) report will be deemed final. If the DPO, has not conducted subscription audit, then broadcaster can conduct the said audit.

- ii. If no, what should be the mechanism to verify that the monthly subscription reports made available by the small DPOs to the broadcasters are complete, true and correct?

Answer : Compliance and Subscription report 15(1) will be deemed final. There will be no need of 15(2) audit

- B. If you are of the view that the small DPOs should not be exempted from the mandatory audit, then

- i. how should the compliance burden of small DPOs be reduced?

Answer : Compliance and Subscription report 15(1) will be deemed final. There will be no need of 15(2) audit

- ii. should the frequency of causing mandatory audit by such small DPOs be decreased from once in every calendar year to say once in every three calendar years?

Answer : Yes.

- iii. alternatively, should small DPOs be permitted to do self-audit under Regulation 15(1), instead of audit by BECIL or any TRAI empaneled auditor?

Answer : Self certification by self audit under regulation 15(1).

A handwritten signature in blue ink is written over a circular purple stamp. The stamp contains the text 'Bargabhima Cable and Broadband Services' around the perimeter and a small star at the bottom. The signature appears to be 'L. K. ...'.



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Q3. As per the existing Interconnection Regulation, all the distributors of television channels have been mandated to cause audit of their system once in a calendar year. Should the existing provision of “calendar year” be continued or “financial year” may be specified in place of calendar year? Please justify your answer with proper reasoning.

Answer : Yes it should be shifted to financial year and the audit period should not be more than 12 months and period will be for the previous financial year only, for both the Audit types under Regulation 15(1) and 15(2).

The audit should be done for a period of one year (1st April of previous year to 31st March current year). Audit report under regulation 15(1) should be obtained and submitted to TRAI / MIB within 30th September. Failing the mentioned dates will lead to financial obligations such as fines, penalties etc.

Broadcasters should conduct their audit, under regulation 15 (2), within 10th December of the running year for the period of 1st April of previous year to 31st March current year.

Reporting under regulation 15(2), should be done within 31st December of that year. In case, broadcaster has queries regarding the report, they will directly ask the auditor, who has conducted the 15(1) audit, by keeping the DPO / MSO in loop. The broadcaster has to challenge the Audit report under Regulation 15(1). The auditor will be held responsible to answer the queries directly to the broadcaster looping the

MSO / DPO. If the auditor

fails to satisfy the broadcaster and also the broadcaster proves that there is any anomaly in the report, then auditor have to refund 80% of the Audit fees to the MSO/DPO as a compensation on immediate basis. Even in case of any legal disputes, regarding the audit report under regulation 15(1), it will the responsibility of the auditor not the MSO / DPO.

If the Auditor who has audited under regulation 15(1), fails to satisfy the broadcaster and also the broadcaster proves that there is any anomaly in the report, then only broadcaster can conduct audit under regulation 15(2). If the broadcasters fail to conduct audit, under regulation 15 (2), within the time as mentioned above then the audit report under Regulation 15(1) will be deemed final.

Q4. As per the existing Interconnection Regulation, the annual audit






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caused by DPO under regulation 15 (1), shall be scheduled in such a manner that there is a gap of at-least six months between the audits of two consecutive calendar years and there should not be a gap of more than 18 months between audits of two consecutive calendar years. Instead of above, should the following schedule be prescribed for annual audit?

- i) The DPOs may be mandated to complete annual audit of their systems by 30th September every year.
- ii) In cases, where a broadcaster is not satisfied with the audit report received under regulation 15(1), broadcaster may cause audit of the DPO under Regulation 15(2) and such audit shall be completed latest by 31st December.
- iii) In case DPO does not complete the mandatory annual audit of their systems by 30th September in a year, broadcaster may cause audit of the DPO under Regulation 15(2) from 1st October to 31st December year. This shall not absolve DPO from causing mandatory audit of that year by 30th September and render the non-complaint DPO liable for action by TRAI as per the provisions of Interconnection Regulation 2017? Justify your answer with proper reasoning.

Answer : Already addressed in answer to question no 3.

Q5 In case you do not agree with schedule mentioned in Q4, then you are requested to provide your views on the following issues for consultation:

- i. As per the existing Interconnection Regulation, the annual audit caused by DPO under regulation 15(1), shall be scheduled in such a manner that there is a gap of at-least six months between the audits of two consecutive calendar years and there should not be a gap of more than 18 months between audits of two consecutive calendar years. Does the above specified scheduling of audit need any modification? If yes, please specify the modifications proposed in scheduling of audit. Please justify your answer with proper reasoning.
- ii. For the audit report received by the broadcaster from the DPO (under regulation 15(1)), should the broadcasters be permitted to cause audit under regulation 15(2) within a fixed time period (say 3 months) from the date of receipt of that report for that calendar year, including spilling over of such period to the next year?






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- If yes, what should be the fixed time period within which a broadcaster can cause such audit. Please support your answer with proper justification and reasoning.
 - If no, then also please support your answer with proper justification and reasoning?
- iii. In case a DPO does not cause audit of its systems in a calendar year as specified in Regulation 15(1) then should broadcasters be permitted to cause both subscription audit and/or compliance audit for that calendar year within a fixed period (say 3 months) after the end of that calendar year?
- If yes, what should be the fixed time period (after the end of a calendar year) within which a broadcaster should be allowed to get the subscription audit and/or compliance audit conducted for that calendar year? Please support your answer with proper justification and reasoning.
 - If no, then also please support your answer with proper justification and reasoning?

Answer : Already addressed in answer to question no 3.

Q6. What measures may be adopted to ensure time bound completion of audits by the DPOs?

Justify your answer with proper reasoning.

Answer : Already addressed in answer to question no 3.

Q7. Stakeholders are requested to offer their feedback on the amendments proposed in the Audit manual in this consultation paper (CP) in the format as given in Table 2.

Table 2: Format for stakeholders' response on issues related to audit manual raised in this consultation paper

Dr. Kanta Das

A circular purple stamp with the text 'Bargabhima Cable and Broadband Services' around the perimeter. In the center, there is a star and the name 'Dr. Kanta Das' written in a cursive script.



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S no	Page number of the existing Audit Manual	Clause number of the existing Audit Manual	Do you agree with the amendm ent proposed in this CP (Yes/No)	If you do not agree with the amendment proposed in this CP, then provide amended Clause proposed by you	Reasons with full justification of your response
1	8	4.4	Yes		
2	10	5.7	Yes. A little change is proposed.	If DPO does not have a current business relationship with a STB vendor, then a certificate issued from such STB vendor at the time of procurement may will be acceptable	If it is “may be acceptable” , then auditor can put a non compliance on the Set Top Box
3	10	5.8	Yes		
4	10	5.9	Yes		
5	12	7 a	Yes		
6	13	7.a.1	Yes		

Dr. Kanta Das



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7	18	7.a.12	No	This clause is not needed	Codes and queries are the intellectual property of DPOs. This cannot be disclosed. DPOs has to pay a hefty amount for exclusiveness of their SMS and CAS systems. This synchronization is covered under TEC certification of CAS and SMS. CAS or SMS vendors should be audited for confirmation of TEC certificate confirmation for any
					queries. This will not be under the perview of audit under regulation 15(1) or 15(2).
8	20	7.a.14			Codes and queries are the intellectual property of DPOs. This cannot be disclosed. DPOs has to pay a hefty amount for exclusiveness of their SMS and CAS systems. This synchronization is covered under TEC certification of CAS and SMS. CAS or SMS vendors should be audited for confirmation of TEC certificate confirmation for any queries. This will not be under the perview of audit under regulation 15(1) or 15(2).

Dr. Kanishk Das



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9	23	7.b.1	Yes		
10	24	7.b.2	Yes		
11	26	7.b.11	Yes		
12	27	7.b.14	Yes		
13	29	7.c.8	Yes		
14	29	7.c.9	Yes		
15	31	8.1	Yes		
16	31	8.3	Yes		
17	31	8.5	Yes		
18	32	8.7	Yes		If anyone (Broadcaster, DPO and Auditor) disagrees, then additional time will not be considered
19	32	8.8	Yes		
20	34	10.3.i	Yes		
21	35	10.3.iii	Yes		
22	35	10.3.iv	Yes		
23	35	10.3.v	Yes		
24	36	11.6	Yes		
25	37	11.7	Yes		

Q8. Please provide your comments/any other suggested amendment with reasons thereof in the Audit Manual that the stakeholder considers necessary (other than those proposed in this consultation paper). The stakeholders must provide their comments in the format specified in Table 3 explicitly indicating the existing clause number, suggested amendment and the reason/full justification for the amendment in Audit Manual.

L. K. ...



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Table 3: Format for stakeholders' response on issues related to audit manual on issues other than those proposed in this consultation paper

S no	Existing /New clause	In case of new clause, please indicate number inserted	In case of Existing clause			Suggested Amendment	Reasons/ full justification for the proposed amendment
			Page number of the existing Audit Manual	Clause number of the existing Audit Manual	Existing Clause		
1	17		42-43	17		This entire process including analysis must be completed in the DPO premises. Auditor shall share the analysis report during his stay inside the DPO premise.	This should be mentioned. In many cases, when the auditor carry data dump outside the DPO premises, in his laptop for reporting and analyzing data, then after getting mismatch, gives a negative report without physical inspection. This impacts business as financial demands may be raised by the broadcasters based on the negative impacts.
2							

Dr. Kanika Dasgupta



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Q9. In light of the infrastructure sharing guidelines issued by MIB, should clause D-14 (CAS & SMS) of Schedule-III of Interconnection Regulation 2017), be amended as follows:

“The watermarking network logo for all pay channels shall be inserted at encoder end only.

Provided that only the encoders deployed after coming into effect of Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Amendment) Regulations, 2019 (7 of 2019) shall support watermarking network logo for all pay channels at the encoder end.

In case of infrastructure sharing, the infrastructure sharing provider shall insert its watermarking network logo for all pay channels at encoder end while each DPO taking services from infrastructure provider distributor shall insert its own watermarking network logo for all pay channels at STB end.”

Please support your answer with proper justification and reasoning. If you do not agree then suggest an alternative amendment, with proper justification?

Answer : No Comments

Q10. In case of infrastructure sharing, if it is decided that the infrastructure sharing provider shall insert its watermarking network logo for all pay channels at encoder end while each DPO taking services from infrastructure provider distributor shall insert its own watermarking network logo for all pay channels at STB end,

- i) does the specification of the logos (transparency level, size, etc), of both Infrastructure provider and infrastructure seeker distributors, need to be regulated? If yes, please provide detailed specification (transparency level, size, etc) of the logos of both Infrastructure provider and infrastructure seeker distributor.
- ii) Since appearance of the logos of more than one DPO on the TV screen may compromise the quality of the video signal at the subscriber's end, what measures






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such as overlapping logos of the DPOs or any other solution, should be adopted to ensure that while logo of the DPO (infrastructure seeker) is prominently visible on the subscriber's TV screen, the objective of tracing piracy is also met through watermarking the network logo of the infrastructure provider DPO suitably?

Please provide details of measure proposed. Please support your answer with proper justification and reasoning.

Answer : No Comments

Q11. In light of the infrastructure sharing guidelines issued by MIB, should clause C-14 (CAS & SMS) of Schedule-III of Interconnection Regulation 2017), be amended as follows:

“The CAS shall be independently capable of generating, recording, and maintaining logs, for a period of at least immediate preceding two consecutive years, corresponding to each command executed in the CAS including but not limited to activation and deactivation commands issued by the SMS.

In case Infrastructure is shared between one or more distributors, the CAS shall be capable of generating, recording, and maintaining logs for each distributor separately for the period of at least immediate preceding two consecutive years, corresponding to each command executed in the CAS including but not limited to activation and deactivation commands issued by the SMS.”

Please support your answer with proper justification and reasoning. If you do not agree then suggest an alternative amendment, with proper justification?

Answer : No Comments

Q12. For those cases of infrastructure sharing where the CAS and SMS are not shared by the infrastructure provider with the infrastructure seeker,

A handwritten signature in blue ink is written over a circular stamp. The stamp contains the text 'Bargabhima Cable and Broadband Services' around the perimeter and a star symbol at the bottom. The signature appears to be 'L. K. Kanta Das'.



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- i. do you agree that in such cases, the audit of the infrastructure seeker so far as the shared infrastructure is concerned, should extend to only those elements of the infrastructure of the provider which are being shared between the DPOs?
- ii. should a broadcaster be permitted to cause the complete technical audit of all the DPOs, including the audit of the shared infrastructure, as a precondition for the broadcaster to provide the signals of television channels, if the broadcaster so decides?

Please support your answers with proper justification and reasoning. Answer : No Comments

Q13. In case CAS and SMS are shared amongst service providers,

- i. what provisions for conducting audit should be introduced to ensure that the monthly subscription reports made available by the distributors (sharing the infrastructure) to the broadcasters are complete, true, and correct, and there are no manipulations due to sharing of CAS/DRM/SMS?
- ii. should a broadcaster be allowed to simultaneously audit (broadcaster-caused audit) all the DPOs sharing the CAS/DRM/SMS, to ensure that monthly subscription reports are complete, true, and correct in respect of all such DPOs, and there are no manipulations due to sharing of CAS/DRM/SMS? Support your answer with proper justification and reasoning.

Answer : No Comments

Q14. Do you agree that in case of infrastructure sharing between DPOs, suitable amendments are required in the Schedule III of the Interconnection Regulation and the audit manual for assessment of multiplexer's logs during audit procedure? If yes, please suggest the proposed amendment(s), keeping in mind that no broadcaster should be able to see the data of another broadcaster. Please support your 13 answer with proper justification and reasoning. If you do not agree, then also please support your answer with proper justification and reasoning?

Answer : No Comments

A handwritten signature in blue ink, which appears to read 'L. K. ...', is written over a circular blue stamp. The stamp contains the text 'Bargabhima Cable and Broadband Services' around the perimeter and a small star at the bottom.



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Q15. In light of infrastructure sharing, does clause 4.5 of the existing Audit Manual require any amendment? If yes, please suggest the amended clause. Please provide proper justification for your response. If no, then also please support your answer with proper justification and reasoning?

Answer : No Comments

Q16. In light of the infrastructure sharing guidelines issued by MIB, should clause 5.3 and clause 5.4 of Audit Manual be amended to read as follows:

“5.3 Certificate from all the CAS vendors (Format as in Annexure 1).

5.4 Certificate from SMS vendors (Format as in Annexure 2).

Note: In case of Infrastructure sharing, all the certificates/ documents related to CAS and SMS, should be given by the infrastructure provider distributor on the basis of certificate issued to it by CAS and SMS vendor.”

Answer : No Comments

Q17. In light of the infrastructure sharing guidelines issued by MIB for sharing of infrastructure amongst MSOs, amongst DTH operators and between MSO and HITS operator, do you think that there is a need to amend any other existing provisions of Interconnection Regulations 2017 or introduce any additional regulation(s) to facilitate infrastructure sharing amongst MSOs, amongst DTH operators and between MSOs and HITS operators? If yes, please provide your comments with reasons thereof on amendments (including any addition(s)) required in the Interconnection Regulation 2017, that the stakeholder considers necessary in view of Infrastructure guidelines 14 issued by MIB. The stakeholders must provide their comments in the format specified in Table 4 explicitly indicating the existing Regulation number/New Regulation number, suggested amendment and the reason/ full justification for the amendment in the Interconnection Regulation 2017. Answer : No Comments

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Table 4: Format for stakeholders' response on amendments required in Interconnection Regulation 2017 in view of Infrastructure guidelines issued by MIB

S no	Regulation number of the existing Interconnection Regulation 2017/New Regulation number proposed in the Interconnection Regulations 2017 (1)	Provisions of the existing Regulation (2)	Amendment/ new provision(s) suggested by the stakeholder (3)	Reasons/ full justification for the proposed amendment (4)
1	n/a	n/a	n/a	
2				

(Note: In case additional regulation is proposed column (2) may be left blank)

Q18. In light of the infrastructure sharing guidelines issued by MIB for sharing of infrastructure amongst MSOs, amongst DTH operators and between MSO and HITS operator, do you think that there is a need to amend any other existing provisions of Audit Manual or introduce any additional clause(s) to facilitate infrastructure sharing amongst MSOs, amongst DTH operators and between MSOs and HITS operators? If yes, please provide your comments with reasons thereof on amendments (including any addition(s)) required in Audit Manual,

that the stakeholder considers necessary in view of Infrastructure

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guidelines issued by MIB. The stakeholders must provide their comments in the format specified in Table 5 explicitly indicating the existing clause number/New Clause Number, suggested amendment and the reason/ full justification for the amendment in Audit Manual.

Answer : No Comments






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Table 5: Format for stakeholders' response on amendments required in Audit Manual in view of Infrastructure guidelines issued by MIB

S no	Page number of the existing Audit Manual (1)	Clause number of the existing/New clause Number Audit Manual (2)	Existing Clause (3)	Amendment/ new provision(s) suggested by the stakeholder (4)	Reasons/ full justification for the proposed amendment (5)
1					
2					

(Note: In case additional clause is proposed column (1) and (3) may be left blank)

Q19. Stakeholders may also provide their comments on any other issue relevant to the present consultation.

Answer :

Point No 01 :

A proper audit fees matrix for is required to be published by TRAI. Due to high negotiation, the quality of report and audit work is getting compromised. This is required to be addressed. Maximum number of Audit for audit firms should be fixed under regulations 15(1) and 15(2).

Point No 02 :

Sometimes DPOs found, hosting the SMS in cloud solution or in data centre is less cost effective. During the audit physical verification of such servers is not possible. For example, SMS is hosted in AWS Mumbai. Auditor asked for physical verification in AWS, Mumbai which is never possible, then he gave a non compliance flag to the SMS.

So in the audit manual this is required be addressed clearly.






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Point No 03 :

For conducting audits under regulation 15(1) and/or 15(2), DPO /
Broadcaster has to request TRAI by submitting the fees for Audit as per fees matrix. TRAI
in turn will appoint Auditor. In many cases, it has been observed that inclination of
Auditors is resulting to mal practice and unnecessary harassments.

L. K. Kar

A circular blue ink stamp with the text 'Bargabhima Cable and Broadband Services' around the perimeter and a star at the bottom. The stamp is partially overlaid by the handwritten signature 'L. K. Kar'.