

**Ref: AIDCF/FY 24-25/17**

**Date: 6<sup>th</sup> Sep 2024**

To,

**Shri Deepak Sharma,**  
**Advisor (B&CS),**  
Telecom Regulatory Authority of India,  
4<sup>th</sup> Floor, Towe F, World Trade Centre,  
Nauroji Nagar, Safdarjung Enclave,  
New Delhi - 110029

**Subject: AIDCF response to TRAI 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 dated 9<sup>th</sup> August 2024**

Respected Sir,

This is with reference to aforementioned consultation paper released by TRAI dated 9<sup>th</sup> August 2024.

In this regard, please find attached response from AIDCF attached as annexure 1.

Thanking You

**Yours Sincerely**  
**For, All India Digital Cable Federation**



**Manoj P. Chhangani**  
Secretary General

**AIDCF response to TRAI 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 dated 9<sup>th</sup> August 2024.**

**Preamble:**

At the outset, we would like to thank Honourable Authority for bringing out an important consultation paper, which will help in ensuring transparency, accountability, and adherence to regulatory standards, which is crucial for maintaining fair market practices and protecting consumer interests.

The objective of Audit manual is to establish a robust framework that ensures accurate and reliable reporting, effective oversight, and compliance with the prescribed standards for addressable systems in the broadcasting and cable services domain. The current practice, as outlined in the Audit Manual, has proven to be relevant and effective in addressing industry needs and ensuring adherence to regulatory requirements.

However, as Honourable Authority is also aware that the Cable TV industry is on the verge of extinction and is fighting for its survival, is currently facing several regulatory challenges, including issues related to un-regulated Free Dish services and Over-The-Top (OTT) applications, which requires urgent attention to ensure a fair and transparent regulatory level playing field. Addressing these issues on priority is the most essential requirement of today's time, if Cable TV Industry needs to be saved from being annihilated.

We, therefore, would request Honourable Authority to kindly look into the current issues of the Cable TV Industry like equal regulatory framework for Free dish and OTT applications, forbearance in the tariff regulations, which needs to be taken on priority to save Cable TV Industry from annihilation.

We would also like to highlight that Cable TV industry (including MSOs and LCOs) have already lost around 50% of its subscriber base in last 5 years and near to 3 lakhs people have become unemployed. Moreover, presently industry has 10 lakh people employed, which will go jobless in next 3-5 years, if the current regulatory imbalance regarding Free Dish and OTT applications is not resolved at the earliest.

In light of the above and with the key objective to bring more transparency and efficacy in the reporting requirement in Cable and Broadcasting domain, please find below our question wise detailed response.

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

- 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?**
  - 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.**
- 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?**

**AIDCF comments:**

1. As Authority has itself mentioned in the Consultation paper that Regulation 15(1) of the interconnection regulation 2017, was mandated upon DPOs to bring transparency and to ensure that the system deployed by a DPO is addressable as per the regulatory requirement, however in last four years, very low number of DPOs have conducted the Audit and has shared with the Broadcaster's and with the TRAI.
2. The pertinent question is that despite regulation 15(1) being mandated to all the DPOs, Authority has not elaborated on what steps it has taken for compliance in last five years and were they effective or not. **We therefore request the Authority to share the list on their website, regarding the DPOs who have not complied with the Regulation 15(1). Also, it shall be mandated to the Broadcasters, to not to provide signals to those DPOs, who are not declared non-complied with Regulation 15 (1) by Authority and the same shall be strictly adhered to. Moreover, if any broadcaster is found providing signals to DPOs, who are non-complied, then the broadcasters should be held responsible for non-compliance of audit.** We have not come across a single instance, wherein Broadcasters have under Regulation 15(2) has disconnected the TV signals of the DPOs who have not complied with Regulation 15(1).
3. Moreover, the data which has been released by Honorable MIB is that there were 1736 MSOs, as on 6<sup>th</sup> June 2023, and MIB has cancelled licenses of 884 MSOs, which were non-operational and non-compliant resulting into 852

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MSOs as of 31<sup>st</sup> July 2024. Therefore, in a time span of 1 year, MIB has cancelled 884 licenses basis the recommendation from TRAI.

4. **We sincerely emphasize that, there is no flaw in Regulation 15 (1) and it should definitely be retained “as it is”. However, the efficacy & intention behind its implementation needs to be reviewed in a serious manner, which will help in ensuring its compliance.**
5. **Therefore, we suggest the following crucial steps be undertaken by Authority to ensure that the Regulation 15(1) shall be followed in letter and spirit.**
  - a. The list of the DPOs who have not complied with Regulation 15 (1), shall be reviewed periodically (in 6 months) and shall be displayed on TRAI website for Public.
  - b. If any DPOs, after receiving due notice from Authority, doesn't comply with Regulation 15(1), then Authority shall recommend “license cancellation” to MIB.
  - c. As broadcasters provide signals to all the DPOs, therefore they are aware about the whereabouts & operational network of a DPO, therefore they should be strictly prohibited to provide any TV signal to non-complied DPOs, and they should also adhere to this.
  - d. The financial disincentive (**up to Rs. 10 lakhs**) should also be imposed on the Broadcasters, if they are found providing signals to the non-complied DPOs, as they should be considered as promoting non-compliance of TRAI Regulations.
  - e. Moreover, the non-complied DPOs shall also be barred from “Infrastructure Sharing”.

As mentioned above, we believe that there is no modification/alteration required in present Regulation 15(1), rather than the Authority needs to take the aforementioned strict steps, to improve and ensure the efficacy of the implementation.

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

**A. If yes, then,**

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

- (i) 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)?
  - 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?
  - 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?
- (ii) If 'subscriber base' criterion is not to be adopted, then what criteria should be selected for defining small DPOs?

**AIDCF Comment:**

1. The law of land never differentiates between caste, creed, economic condition and influence of the offender. The same is in the case of companies act also, the companies act, do not discriminate between the company's basis their turnover, therefore, providing exemption to DPOs basis the size/turnover will not serve the purpose. Moreover, gravity of offence does not recognize differentiation between big and small.
2. Moreover, each DPO who has 20,000 subscriber bases, would have invested for Head End, CAS and SMS, which entails an investment of at least 60 lakhs to 1 Cr. Also, having 20,000 subscribers would provide a minimum revenue of 3 Crores to 5 crores per annum, therefore, **affording a single audit in one calendar year, which cost around 75000 to 1 lakh will not impact much to DPOs.**
3. In addition to the above, clause 15(1) was introduced in the regulation for bringing transparency in Cable TV and Broadcasting domain, so as to curtail, underreporting happening in the sector. Any exemption to clause 15(1), will further increase the underreporting and unauthorized distribution, which will be a huge loss to the exchequer.
4. Also to avail the benefit of exemption, industry will misuse this provision, and MSOs will bifurcate their businesses to reach below the exemption limit.

Therefore, we would request Hon'ble Authority that regulation should be same for all the DPOs and there shall be no disparity in terms of small or big, as any exemption to smaller DPOs will further increase the disparity and non-compliance of the Regulation.

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 such DPOs, to verify that the monthly subscription reports made available by the distributor to them are complete, true, and correct?
  - (i) If yes, what should be the mechanism to reduce burden on small DPOs that may result due to multiple audits by various broadcasters?
  - (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?

**AIDCF Comment:** We have provided the detailed justification in our response to Q No. 2, would therefore request to refer to our answer above.

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

**AIDCF comment:**

1. With reference to audit of the Digital addressable system, presently also, there is no compliance burden on small DPOs, except doing only 1 Audit in one calendar year. Also, this one-time Audit process gets completed in a week's time for smaller DPOs and takes 3-4 weeks for bigger DPOs having 7-8 Head ends, therefore there is no such compliance burden on the DPOs. Also, we can draw the parallel from the Companies act, wherein all the companies are mandated to complete their annual statutory audit, and there is no exemption to the companies, which are smaller, or which are loss making. Therefore, doing it once in one calendar year is neither increasing any cost burden nor it is increasing any compliance burden on small DPOs.

2. As we stated above, DAS audit manual was drafted and put in the regulation 15(1), due to an important reason and that was to bring transparency in the Cable and Broadcasting industry and to reduce underreporting instances by the DPOs. We have also clarified that neither there is much cost involved, nor it is a cumbersome process, therefore decreasing the frequency from one year to three years will defeat the purpose of DAS Audit. Also, there will be a significant increase in the legal matters against each other by DPO and Broadcaster. Therefore, frequency should not be decreased, and it should be mandated once in Calendar year.
3. The word self- audit is contrary to itself, as audit in itself means scrutiny of data or system by an authenticated third party, which necessarily needs to be un-bias. That's why TRAI has empaneled 52 auditors, whose credentials are thoroughly reviewed, and their reports/audits can be relied upon. Moreover, as we have stated above, regulation needs to be the same for everyone and it shall not create disparity or an arbitrage situation between big and small DPOs.
4. Moreover, Authority can publish a general rate card for audit fess, which shall be based upon No of CAS / No of SMS / No of Subscribers / expected Time to complete the audit etc. and it will also reduce the burden of smaller MSOs.

**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.**

**AIDCF comment:** The existing provision of calendar year, should be replaced with financial year, as all the accounting provisions and audits in India are scheduled based on the financial year. Also, the calendar year is not in synchronization with the annual financial year contracts and financials agreed with the broadcasters. Therefore, calendar year should be replaced with financial year.

**Q4. 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. 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.**

**AIDCF comments:**

1. We are in complete agreement with the above-mentioned timelines suggested by Honorable Authority, as they are time bound, relevant and put the onus on both the stakeholders for a timebound DAS audit and its necessary reporting. It will also save the unnecessary litigations and long drawn queries from Broadcasters, which many a time comes till 6 months of sharing the audit report with Broadcasters.
2. We sincerely welcome and appreciate this welcome step from the Authority, and we also request the Authority that the same should also be strictly adhered to.

**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?**

- **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?**

**AIDCF Comments:** We completely agree with the schedule mentioned in Q4.

**Q6. What measures may be adopted to ensure time bound completion of audits by the DPOs? Justify your answer with proper reasoning.**

**AIDCF Comment:**

1. Transport Stream and all their queries should be provided by the broadcaster to the DPO/Auditor within 15 days of the intimation by the DPO of the date of commencement of audit. This will help in reduction of significant time of the audit as well as it will also ensure time bound completion.
2. The Financial disincentive should also be levied on the broadcasters in case there is time delay of more than 15 days in providing required response to the Auditor/DPO.

**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**

**AIDCF Comment:**

S.N.	Page number of the existing Audit Manual	Clause number of the existing Audit Manual	Do you agree with the amendment 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	Page 8	4.4	Yes		
2	Page 9	5.7	Yes		
3	Page 9	5.8	Yes		
4	New Add	5.9	Yes		
5	New Add	7A	No	It may be noted that all simulations tests on STBs should be carried out on those STB models that have been deployed and activated by the DPO post 2017 (i.e., post coming into effect of the Interconnection Regulations 2017). For this purpose, DPO must ensure that at least 2 STBs of each STB model, that have been deployed and activated by the DPO post 2017, are available in	Black-Listing is performed only to validate the feature of Killing a STB permanently due to any illegitimate use like Piracy or Redistribution, which can be performed on select Most Popular Models on limited quantity. Like: 1 STB of Top 5 Most Popular Model  Once STB is Black-Listed,

S.N.	Page number of the existing Audit Manual	Clause number of the existing Audit Manual	Do you agree with the amendment 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
				the stock for the simulation tests (Except STB Black-Listing test cases, which can be 1 STB Sample of Top 5 Models deployed since 2017)	same can not be recovered so this is requested to limit this test case to overcome electronic wastage and Logistical Challenges
6	Page 11	7.A.1	Yes		
7	Page 16	7.A.12 & 7.A.13	Yes		
8	Page 17	7. A.14	Yes		
9	Page 20-21	7.B.1	Yes		
10	Page 21	7.B.2	Yes		
11	Page 23	7.B.11	Yes		
12	Page 24	7.B.14	No	To be removed	Contradicts with Infra-Sharing Guidelines challenges (being covered separately in Chapter 4, Answer 9)
13	Page 26	7.C.8	Yes		
14	Page 26	7.C.9	Yes		
15	Page 27	8.1	Yes		
16	Page 27	8.3	Yes		
17	Page 27	8.5	Yes		
18	Page 27	8.7	Yes		
19	New Add	8.8	Yes		
20	Page 29-30	10.3	Yes		

S.N.	Page number of the existing Audit Manual	Clause number of the existing Audit Manual	Do you agree with the amendment 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
21	Page 31	11.6	Yes		
22	New Add	11.7	Yes		
23	Page 33	14(a)	Yes		
24	Page 34	15(a)	Yes		
25	Page 34	15(b)	Yes		
26	Page 34	15 (c)	Yes		
27	New Add	15 (d)	Yes		
28	Page 37-38	18.A.2	No		For compliance of this Clause, Audit should always happen by Oct end every year
29	New Add	18.A.17	Yes		
30	Page 42	18.C.14	Yes		
31	New Add	18.C.35	Yes		
32	Page 77	Annex 7	Yes		
33	Page 82	Annex 7	Yes		
34	Page 83	Annex 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.**

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

S No	In case of new	In case of Existing clause	Su gg
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	Existing /New clause	clause, please indicate clause number inserted	Page number of the existing Audit Manual	Clause number of the existing Audit Manual	Existing Clause	est ed A me nd me nt	Reasons/ full justification for the proposed amendment
1	Existing		Page 9	Clause 4.6	Take screenshot of all TS streams from MUX and compare with results of field TS recorded randomly at minimum two locations by auditor	To be deleted	Screenshots of the ECM and encryption related parameters should not be allowed as it would sacrifice the security of the transmission. The encryption details can be verified visually and authenticated from CAS and MUX by the Auditors during the Audit exercise.
2	Existing		Page 9	Clause 4.9	Check PSI/SI server that it has EPG push capability.		DPO should have the choice to have a single server having PSI/SI with push EPG or DPO can opt for two (02) separate servers to carry PSI/SI and EPG functionality. This is to avoid loading the PSI/SI server which carries critical DVB parameters
3	Existing		Page 9	4.10	Confirm insertion of watermarking network logo for all channels from encoder end. Only the encoders deployed after coming into effect of the		In case DPO has mix of encoders installed on date before and after amendment in regulation then there will be 2 logos (one generated by the STB software which gets displayed on all the channels and one generated by the

					Amendment Regulations shall support watermarking network logo for all pay channels at the encoder end.	encoder on the channels configured on the new encoders installed on date after the effective date of the Amendment). Hence, it is suggested that the DPO logo should be generated only from the STB.
4	Existing		Page 10	5.2	<b>BIS certificates for all makes &amp; models of STB deployed by DPO after DAS implementation</b>	BIS certificate obtained by the supplier of the STBs during the import of the STBs by the DPO should be considered as a valid document in case the supplier fails to renew and furnish the renewed BIS certificate on an yearly basis to the DPO
5	Existing		Page 29	<u>Schedule III - E 9</u>	Alternatively, the Auditor may also verify the validity of the BIS Certificates online (by inputting the Registration Number of the first BIS Certification of the respective STB Models). Screenshots of the online verification of such BIS validity should be provided in the Audit Report.	In case the BIS online certificates is not available and the DPO is unable to provide the screen shot to that effect, then as stated in 5.2, herein above. The BIS certificate received during the import of any make and model of the STB should be considered as valid

**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?**

**AIDCF Comment:**

Under Infrastructure Sharing arrangements, Logo insertion from Encoder shall lead to various complications of Logo overlap and User Experience problems so we recommend that Watermark Logo insertion from Encoder should not be mandated, we have to focus on the requirement of Watermark Logo like Anti-Piracy control as a feature along with STB inserted Watermark Logo.

In order to address this requirement of Anti-Piracy, DPO triggered Fingerprint can still serve the purpose in the following way in case someone is able to alter/mask the watermark logo:

- A-** Broadcaster shall be able to identify the Infrastructure Provider using Broadcaster triggered Fingerprint.
- B-** On identifying the Infrastructure Provider source, Broadcaster shall make the Infrastructure Provider accountable to trigger the DPO triggered Fingerprint for identifying the real DPO (Infrastructure Seeker/ Infra Provider) STB ID.
- C-** Since Infra Provider does not have the capability currently available for triggering the Fingerprint on Infrastructure Seeker STB, there are 2 possible solutions-
  - (i) Develop a utility using Fingerprint API of all Infra Seekers so that it triggers FP immediately -OR-

- (ii) (ii) Establish a common Anti-Piracy Team of all Partner DPOs to trigger the Fingerprint within prescribed timeframe.

Hence, we strongly recommend that in case of infrastructure sharing, the watermarking logo can be inserted either at the encoder end or STB end. The decision on insertion of watermarking logo from the encoder end or FTB end should be mutually decided between the infrastructure provider and seeker such that it does not hamper subscribers viewing experience and does not become ground for disputes between the infrastructure provider and seekers

**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 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 the measure proposed.

**Please support your answer with proper justification and reasoning**

**AIDCF Comment:**

- i) The current transparency level is kept at around 80% for DPO triggered logo.
- ii) Overlapping of Logo is avoidable using STB inserted Logo as mentioned in our response to question no. 9. Having 2 Logos on screen along with Broadcaster Logo would bring bad user experience and confusion and making transparency level higher than 50% would also cause loss of information on TV screen especially for Business and News Channels.
- iii) Therefore, it would be difficult to carry both the DPOs logos on the screen and it is advisable that infrastructure seeker logo shall be given priority.



**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?**

**AIDCF Comment:**

1. We are okay with the above amendments in the clause C-14 (CAS & SMS) of Schedule-III of Interconnection Regulation 2017, however, we also want to highlight that here “logs” should mean & defined as, “*transactional logs and all commands exchanged between CAS & SMS excluding CAS Internal Logs in the backend components within CAS Solution/ System are also considered as logs*”
2. The reasoning behind our above definition of logs is that there are 2 types of Logs-
  - i) Transactional Logs that get triggered through SMS and related to business use cases. These are managed and stored for longer duration of 6 months, to be referred during Audits.
  - ii) CAS Internal logs are very heavy in nature and thus are not kept for longer storage as these are primarily meant for system troubleshooting and having no relevance from business perspective.
3. Therefore, while making an amendment, the type of logs shall be clearly captured in the amendment and therefore the revised clause C-14 shall be as:

*“The CAS shall be independently capable of generating, recording, and maintaining transactional 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 **transactional** logs for each distributor separately for the period of at least immediately 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."*

Further, in case of infrastructure sharing the following should be ensured

:

1. CAS instances for the infrastructure provider and seeker should be separate logical instance with separate database. The hardware and associated infrastructure (space and power) requirements may only be shared.
2. Each CAS instance will communicate to only one SMS. We cannot allow a CAS instance to be addressed by multiple SMS, since in such a situation the one-to-one correspondence is lost.

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

**AIDCF Comment:**

- i) It should not require any pre-requisite of Broadcaster's Audit if CAS & SMS are not shared as same has to happen during annual Audits of all DPOs/ HITS/ DTH/ MSOs
- ii) No, this should not be a precondition in the interest of time to market considering the number of Broadcasters involved and long lead time of concluding an Audit.

**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.**

**AIDCF Comment:** In case of CAS/ SMS/ DRM sharing, Broadcaster Audit of Infrastructure Seeker can be mandated complying to prevailing Audit Manual specifications as it is sensitive in nature from all Stake-Holders perspective.

- i) Although this can be allowed to simultaneously conduct the Broadcaster Caused Audit, a strict timeline of 4 weeks needs to be defined to conclude the same on receiving the notice from all such DPOs sharing CAS/ SMS/ DRM
- ii) There should be an insertion of new provision in schedule III, point no. C (5).
  - a. Provided that, any CAS instance can be integrated with only a single SMS.

**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 answer with proper justification and reasoning. If you do not agree, then also please support your answer with proper justification and reasoning?**

**AIDCF Comment:**

1. Although there is no risk of information leakage with respect to Mux Infrastructure sharing per say but to efficiently limit the Audit scope with respect to a particular DPO, it is recommended to provide Transport stream wise breakup of each DPO sharing a common Mux.
2. Existing clause as per Section 4.5 of Audit manual:

“Check MUX configuration to validate number of Transport Streams (“TS”) configured with SID, scrambling status of each SID and ECM and EMM configuration (MUX-TS Stream-No. of ECM & EMM configured)”

3. For infra sharing, Proposed Amendment as below:

“Check MUX configuration to validate number of Transport Streams (“TS”) configured with SID, scrambling status of each SID and ECM and EMM configuration (MUX-TS Stream-No. of ECM & EMM configured) as per the Infra sharing declaration done for the respective DPO like MUX ID, TS ID, Service ID listing of the overall Service Lineup of DPO under Audit.”

**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?**

**AIDCF Comment:**

1. Yes, clause 4.5 requires amendment. The same is proposed as below

“Check MUX configuration to validate number of Transport Streams (“TS”) configured with SID, scrambling status of each SID and ECM and EMM configuration (MUX-TS Stream-No. of ECM & EMM configured) as per the Infra sharing declaration done for the respective DPO like MUX ID, TS ID, Service ID listing of the overall Service Lineup of DPO under Audit.”

**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.”*

**AIDCF Comment:**

We agree with the above amendment.

**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))**

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required in the Interconnection Regulation 2017, that the stakeholder considers necessary in view of Infrastructure guidelines 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.

**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)

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

**AIDCF Comment:**

- No comment

**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 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.**

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

<b>S no</b>	<b>Page number of the existing Audit Manual</b>	<b>Clause number of the existing/New clause Number Audit Manual</b>	<b>Existing Clause</b>	<b>Amendment/new provision(s) suggested by the stakeholder</b>	<b>Reasons/ full justification for the proposed amendment</b>

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

**AIDCF Comment:**

- No comment

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

**AIDCF Comments:**

1. The major problem, which is being faced by many of the DPOs, is that Broadcasters misuse the power granted to them under clause 15(2), and it has become a tool for them to harass the MSO either financially or legally. Despite the audit done by empaneled auditor of TRAI under clause 15(1), Broadcaster's raises multiple questions on the audit by the empaneled auditor only. Therefore, this signifies that either broadcasters don't have trust on TRAI empaneled auditors, or they just want to use "audit" as a tool to harass the MSOs.
2. The present clause 15(2) of the regulation states as:  
*In cases, where a broadcaster is **not satisfied with the audit** report received under sub-regulation (1) or, if in **the opinion of a broadcaster** the addressable system being used by the distributor does not meet requirements specified in the Schedule III or the Schedule X or both, as the case may be, it shall be permissible to the broadcaster, after communicating the reasons in writing to the distributor, to audit the subscriber management system, conditional access system and other related*

*systems of the distributor of television channels, not more than once in a calendar year:*

3. The two conditions mentioned in clause 15(2) i.e. *“Not satisfied with the audit report”* and secondly *“in the opinion of a broadcaster”*, are open ended. Anything which broadcasters would like to raise to harass the DPO can be asked under above mentioned clause. **This is surprising that, audit which is been done by a TRAI empaneled auditor, can be subjected for “non-satisfaction of broadcaster”.** Then why a DPO should conduct its audit from TRAI empaneled auditor. Second, open ended words are *“in the opinion of broadcaster”*. The surprising part is, what is the definition of the word *“opinion”* here.
4. Therefore, while we are doing a holistic consultation on the Audit manual, Authority should put some qualifying conditions for Broadcasters, which if triggered, then only Broadcaster should be allowed to do audit under clause 15(2). If the below qualifying conditions are addressed by the TRAI empaneled auditor in its report, then Broadcaster’s should not raise any queries on the audit report of the TRAI empaneled auditor. The stated qualifying conditions can be:
  - **Qualifications:**
    - a. No. of subscribers submitted by DPO and verified by the TRAI empaneled auditor in its audit report, are more than variation of 0.5%.
    - b. Undeclared CAS / SMS/Head End found during audit
    - c. If an Unencrypted signal is found during Audit.
    - d. More than 5% variation, if found between ground STB samples given by Broadcasters and actual availability in the system.
5. Therefore, the revised clause 15(2) shall be:

*In cases where the auditor referred in 15(1) (a), issues a qualified report, with respect to the subscription reports submitted by the DPO to the broadcaster or with respect to non-confirmation of the requirements specified in the Schedule III or the Schedule X or both, as the case may be, it shall be permissible to the broadcaster, after communicating the reasons in writing to the distributor, to audit the subscriber management system, conditional access system and other related systems of the distributor of television channels, not more than once in a calendar year:*

*Provided that, the auditor raises the following qualifications in their report*

- a. *No. of subscribers submitted by DPO and verified by the TRAI empaneled auditor in its audit report, are more than variation of 0.5%.*
  - b. *Undeclared CAS / SMS/Head End found during audit*
  - c. *If an Unencrypted signal is found during Audit.*
  - d. *More than 5% variation, if found between ground STB samples given by Broadcasters and actual availability in the system.*
6. The above changes, if done in clause 15(2), will help DPOs to complete their audit in the prescribed time, moreover, they will not be subject to the harassment by multiple broadcaster's, which either would want to put financial or legal undue pressure upon them.
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