

Subject: **Fwd: Views/ suggestions on TRAI Consultation Paper**
To: ak pathak <akpathak@trai.gov.in>,
rakesh asst <rakesh@trai.gov.in>, anil29nain@gmail.com

Date: 04/23/16 09:25 PM
From: S M K Chandra <smk.chandra@trai.gov.in>

 image001.jpg (12kB)

----- Original Message -----

From: **Sonia Baijal** <sonia.baijal@icsi.edu>
Date: Apr 22, 2016 5:42:46 PM
Subject: Views/ suggestions on TRAI Consultation Paper
To: "sksinghal@trai.gov.in" <sksinghal@trai.gov.in>, "smk.chandra@trai.gov.in" <smk.chandra@trai.gov.in>
Cc: President <president@icsi.edu>, Khusbu Mohanty <khusbu.mohanty@icsi.edu>

cid:image001.jpg@01D19CB9.855FDCB0

1001:41:DR

April 22, 2016

Shri . S.K. Singhal,
Advisor (B & CS)
Telecom Regulatory Authority of India,
Mahanagar Doorsanchar Bhawan,
Jawaharlal Nehru Marg,
New Delhi-110002

Dear Sir,

Sub: Views/Suggestions of members of ICSI on TRAI Consultation paper 'The Register of Interconnection Agreements (Broadcasting and Cable Services) Regulations, 2016'

The Institute of Company Secretaries of India (ICSI), is a premier National professional body established by an Act of Parliament to regulate and develop the profession of Company Secretaries. ICSI has student registration of over 4,00,000 besides its strong cadre of 43,000 members, of which 7,870 members are holding certificate of practice. The Members of ICSI are independent professionals holding key positions in the corporate sector, Government of India, autonomous institutions and also in Judiciary / Quasi-Judicial forums. ICSI is functioning under the administrative jurisdiction of Ministry of Corporate Affairs, Government of India, having its headquarters at Lodi Road at New Delhi. ICSI regularly organizes professional development and continuing education programs for its members besides conducting oral coaching classes, Management Skills Orientation Program, etc.

The Institute welcomes the consultative paper on "**The Register of Interconnection Agreements (Broadcasting and Cable Services) Regulations, 2016 on 23rd March, 2016**" by TRAI inviting comments

by 25th April 2016.

The Institute take this opportunity of highlighting the functions of its Practising Members, who have been recognized by various Governmental Organisations and Banks for certifying compliances under various laws and economic legislations.

Company Secretary is a competent professional and is provided exhaustive exposure by the Institute through compulsory coaching, examination, rigorous training and continuing professional development programmes, and is governed by the Code of Conduct contained in the Company Secretaries Act, 1980.

We wish to submit that Company Secretaries are playing a pivotal role in corporate management as well as in practice. Various State Governments have recognized the important role being played by the Practising Company Secretaries and authorised them to do VAT Audit and to appear before the Appellate Authority as the Authorised representative. Securities Exchange Board of India has recognized company secretaries as auditor/Internal auditor and the Companies Act, 2013 also recognises the Company Secretaries for carrying out the Secretarial Audit of prescribed class of companies.

We wish to draw your kind attention to the Regulation 5 of the Consultative Paper circulating the draft of "**The Register of Interconnection Agreements (Broadcasting and Cable Services) Regulations, 2016**", which provides as under:

Quote

Regulation No.5

5. Reporting of information, relating to interconnect agreements, by broadcaster of pay channel and the distributor of TV Channel.

- (1) Every broadcaster of pay channel and distributor of TV Channel shall report the information relating to all interconnect agreements entered into by them or modifications or amendments or addendums thereto which have signed:
 - (a) before coming into effect of the regulations that are valid as on the date of commencement of the regulations shall be reported within one month;
 - (b) after coming into effect of these regulations shall be reported by the 10th day of following month in the digitally signed form:

Provided that while doing so,

- (a) a company shall furnish a certificate, digitally signed by the **Company Secretary** and the authorized representative of the service provider; or
- (b) an individual or partnership firm shall furnish a certificate, digitally signed by company secretary or general counsel and the authorized representative of the service provider to the effect that all interconnect agreements or modifications or amendments or addendums thereto reported under this regulation are compliant with all regulations, orders and directions made or issued by the Authority and that they do not contravene the provisions contained in any such regulation, Order or Direction:

Provided further that the Authority may, through a direction, exempt ascertain class of service providers as specified in that direction, from reporting such information relating to interconnect agreements.

- (2) In case, broadcaster of pay channel submits the report of information as mentioned in sub-regulation (1) with the Authority through a broadcaster with whom it can form bouquet under regulation 10 of the Telecommunication (Broadcasting and Cable Services) Interconnection (Digital Addressable Cable Television Systems) Regulations, 2012, a certificate shall be furnished along with the report to the effect that such broadcaster has been duly authorized to report such information on behalf of the broadcaster of pay

channel and all information in the report is true and correct, and such **certificate shall be digitally signed by the company secretary** and the authorized representative of the broadcaster of pay channel.

Unquote

Practicing Company Secretaries **have rich experience in Economic, Industrial and Commercial Laws, Drafting of agreements as well as** have **expertise knowledge** in filing the digitally signed e- Forms with respective Government authorities and regulators.

Further, ICSI has issued Guidelines to the Practicing Company Secretaries for taking various precautions before issuing certificate under any law. The Institute will also be preparing similar Guidelines for issuing certificates under the aforesaid Regulations in consultation with TRAI.

Since the Practicing Company Secretaries have specifically been given the function of certifying by the Central Government, it is **suggested that wherever the term "Company Secretaries" appear in the Regulation, the term "Practicing Company Secretaries" be substituted with an explanation that "Practicing Company Secretaries" means Practicing Company Secretary or "company secretary in practice"** who is deemed to be in practice under sub-section (2) of section 2 of the Company Secretaries Act, 1980.

We, therefore, request you to make suitable amendments in the regulations. We shall be pleased to offer any further information as may be desired by your good self.

We also look forward to an opportunity for a personal meeting at any time and place convenient to your good self for explaining our submissions.

Thanking you.

Yours sincerely,

CS MAMTA BINANI

President

011-45341004

"This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error, please notify the system manager and delete it from your system. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of the Institute. The recipient should check this email and any attachments for the presence of viruses. ICSI accepts no liability for any damage caused by any virus transmitted by this Email."

—image001.jpg



**THE INSTITUTE OF
Company Secretaries of India**
IN PURSUIT OF PROFESSIONAL EXCELLENCE
Statutory body under an Act of Parliament