

REGULATION CELL

Corporate Office,
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भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)

Most Immediate
Dfart Audit Para
Time Bound

No: RegIn-III/10-11/Audit-2015/ 655

Dated: 31st March, 2015

To,

The Chief General Managers,
PB, RJ, JKH, NE-II, KTK, HR, UP (West), MP and CTD,
Telecom Circles/Metro Districts,
Bharat Sanchar Nigam Limited.

Subject: Imposition of penalty by TERM Cell of DoT amounting to Rs. 243.26 Crore on BTS found non compliant to Electro Magnetic Field (EMF).

Sir,

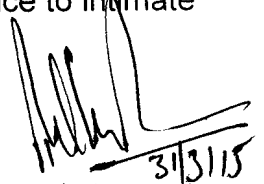
Kindly find enclosed an Audit Note vide Memo No. 22 dated 30.3.2015 on "Imposition of penalty by TERM Cell of DoT amounting to Rs. 243.26 Crore on BTS found non compliant to Electro Magnetic Field (EMF)" submitted by the Post & Telecommunications Audit Office.

DoT has already issued the instructions that as per the clause No. 46.5 A of CMTS License Agreement (Reference to the License Agreement Amendment dated 04.11.2008), which inter-alia provides that "**Licensee shall conduct audit and provide self-certificates annually as per procedure prescribed by Telecommunication Engineering Centre (TEC)/ or any other agency authorised by Licensor from time to time for confirming to limits/levels for antennae (Base Station Emission) for general public exposure as prescribed by International Commission on Non-ionizing Radiation Protection (ICNIRP) from time to time.**"

P & T Audit has noticed that 9 Telecom Circles of BSNL were non-compliant to the terms and conditions of the license agreement and DoT imposed EMF penalty amounting to Rs. 243.26 Crore as detailed in Annexure-I of Audit Note.

P & T Audit office has asked to intimate the reasons for non-meeting the criteria as prescribed by TERM Cell and details of the payment made.

It is kindly requested to look into the matter personally and furnish your comments along with details of the payment made on urgent basis, in order to enable this office to intimate the P & T Audit Office, well in time.


31/3/15
(Raj Kumar)

AGM (Regulation-III)

Encl: As above

RESIDENT AUDIT OFFICE, BHARAT SANCHAR NIGAM LIMITED
 ROOM.NO: 101, BHARAT SANCHAR BHAWAN, NEW DELHI
 (POST & TELECOMMUNICATIONS AUDIT OFFICE)
 OFFICE Tel. /Fax No:- 011-23326877

Devt (Regd)
g m
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I. Memo No: 22
 Date: 30.03.2015

To
 The Sr. GM (Regulation) BSNL, Corporate office, New Delhi

Md. Qasim
30/3/2015
AGM (Regd)

Sl. No. (1)	Inspecting officer's remarks/objections (2)	Replies of the Management (3)
	<p>Sub: Imposition of penalty by TERM Cell of DoT amounting to Rs.243.26 crore on BTS found non compliant to Electro Magnetic Field (EMF)</p> <p>Department of Telecommunications(DoT) issued instructions that as per the clause no. 46.5A of CMTS License agreement (Reference to the License Agreement Amendment dated 04.11.2008), which inter – alia provides that "Licensee shall conduct audit and provide self-certificates annually as per procedure prescribed by Telecommunication Engineering Centre (TEC)/ or any other agency authorized by Licensor from time to time for confirming to limits/levels for antennae (Base Station Emission) for general public exposure as prescribed by International Commission on Non-Ionizing Radiation Protection (ICNIRP) from time to time".</p> <p>Further as per DoT letter No. 800-15/2010-VAS (Pt.) dated 08.04.2010 and subsequent correspondence dated 08.06.2010 and letter No. 17-1/2010-SI/1 dated 02.11.2010 all the existing BTSs must by International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliant for meeting radiation norms by 08.05.2010 and the self-certificates of that effect were to be submitted by the Telecom Service Provider to respective TERM Cell up to 31.03.2011 and then after once in two years. All new BTSs installed after 08.05.2010 should be self-certified before they start radiating and then after once in two years.</p> <p>Refer DoT letter No. 800-15/2010-VAS dated 08.04.2010, 10.2.2010 and DoT letter No. 17-1/2010-SI/1</p>	<p><i>AGM (Regd)</i> <i>30/3</i> <i>30/3-15</i></p> <p><i>739</i> <i>30-3-15</i></p>

भारत संचार निगम (नियंत्रण)
 Sr. GM (Regulation)
 ऑफिस नं./ No. 733
 तिथि/Date 30.3.15

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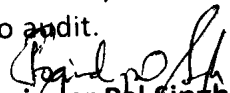
dated 02.11.2010, TERM Cell will test up to 10% of total BTS sites, randomly at its discretion. Additionally, the BTS sites, against which there are public complaints, shall also be tested by TERM Ce.. For the sites found non-compliant by TERM Cells, penalty of Rs. 5 lac per BTS per TSP shall be imposed on TSPs.

Further as per DoT letter No. 800-15/2010-VAS dated 13.08.2010 any BTS site for which self-certificate is not submitted by the due date shall be treated as non-compliant to the radiation norms and penalty as prescribed shall be imposed.

As per para 17 of DoT letter No. 17-1/2010-SI dated 02.11.2010 a site may also be declared non-compliant due to absence of signage or improper signage.

During the test check of records, it was observed that ~~205~~⁴⁹⁰⁷ numbers of BTS were found non-compliant or the various circles did not submit the self certificates which prompted TERM Cell to impose penalty amounting to Rs 243,25,60,000/- on 9 Telecom Circles.

In this connection, it may be intimated the reasons for non-meeting the criteria as prescribed by the TERM CELL. Further, the details regarding payment made by BSNL in this regard may also please be intimated to audit.


(Joginder Pal Singh)
Sk. Audit Officer

EMF Penalty Imposed by TERM Cell				
Name of the Circle	Date	No. of Cases	Total Penalty in Rs.	Paid/not paid
1. Punjab	10-04-2014	9	70000	Not Paid
2. Rajasthan	09-09-2013 27/11/2013 & 07/01/2015	614, 2461 & 3	1537650000	Not Paid
3. Jharkhand	30/04/2015	6	100000	Not Paid
4. NE- II	19-07-2013	187	93500000	Not Paid
5. Karnataka	28/10/2014	6	240000	Not Paid
6. Haryana	26/04/2013	185	83000000	Not Paid
7. UP (West)	23-04-2013	177	885,00,000	Not Paid
8. MP	21-08-2013	1220	610000000	Not Paid
9. Calcutta Tele. Dist.	29-10-2013	39	19500000	Not Paid
Total		4907	24325,60,000	



Asstt Audit Officer