

## **RIGHTS OF MULTI-SYSTEM OPERATORS VIS-À-VIS AUDIT OF DAS**

### **DAS AUDIT**

#### **PRE-SIGNAL AUDIT**

The Technical Audit conducted by the Broadcaster before the execution of Interconnect agreement is known as PRE-SIGNAL audit.

As per sub-regulation (7) of regulation 10 of Regulation, 2017 as amended from time to time, the Broadcaster has a right to conduct pre-audit to ensure that the system of Operator is complied with the Schedule III of the TRAI Regulation, 2017.

It is important to note herein that the Broadcaster cannot force the distributor to get its self pre-audit done as the same is not mandatory for the Operator. Further, the expenses of Audit are required to be borne by the Broadcaster itself.

The Audit conducted by the Broadcaster is without prejudice to the time limit of 60 days for providing the content to the distributor by the Broadcaster.

#### **POST-SIGNAL AUDIT**

Post signal audit can be conducted by the Distributor or Broadcaster:-

#### **POST SIGNAL AUDIT BY Distributor (Subscription Audit/Mandatory calendar year Audit)**

As per Regulation 15 (1) of Regulation, 2017 as amended from time to time, it is mandatory for the Distributors to cause audit of its CAS, SMS and other systems once in each calendar year to prove accuracy of the monthly subscriber reports supplied to the pay broadcasters.

It is pertinent to mention here that the audit has to be conducted through the TRAI empanelled auditors only. (List of empanelled auditors is available on [www.traigov.in](http://www.traigov.in); the list can also be obtained by sending an email to [contact@utkrishthalaw.com](mailto:contact@utkrishthalaw.com)). Further, as per the audit manual published by TRAI, the Audit can be conducted by the Distributor any time in the year provided that no two audit can be caused in a gap of less than 6 months or gap of more than 18 months.

**POST SIGNAL AUDIT BY THE BROADCASTER**

As per Regulation 15 (2) of regulation, 2017, in case of non-satisfaction with Audit report provided by the Distributor, the Broadcaster has a right to cause an audit of the Distributor. Further, the Broadcaster also has a right to cause audit of the Distributor's system when the Broadcaster is of the opinion that the Addressable system being used by the distributor does not meet requirements specified in the Schedule III of the TRAI Regulations, 2017.

**DISCLAIMER:-**

*The present Note intends to provide general information on the above mentioned subjects & in no manner provides exhaustive details on the same. This document shall not be construed as a legal advise & further, shall not form as a base to take any decision without seeking proper legal advise from us. We shall not be responsible for whatsoever sustained by any person relying on this material.*