

67

**STANDING COMMITTEE ON
INFORMATION TECHNOLOGY
(2008-2009)**

FOURTEENTH LOK SABHA

**MINISTRY OF INFORMATION
AND BROADCASTING**

**TELEVISION AUDIENCE MEASUREMENT
IN INDIA**

SIXTY-SEVENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2008/Agrahayana, 1930 (Saka)

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*Presented to Lok Sabha on 15 December, 2008
Laid on the Table of Rajya Sabha on 15 December, 2008*



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NEW DELHI

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COMPOSITION OF THE STANDING COMMITTEE
ON INFORMATION TECHNOLOGY
(2008-09)

Shri Nikhil Kumar — *Chairman*

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3. Shri Nikhil Kumar Choudhary
4. Shri Sanjay Shamrao Dhotre
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19. Shri Kinjarapu Yerrannaidu
- **20. Shri Errabelli Dayakar Rao
21. Vacant

*Vice Shri Badiga Ramakrishna, M.P. ceased to be a member of the Committee *w.e.f.* 26 August, 2008.

**Nominated *w.e.f.* 6 October, 2008.

Rajya Sabha

22. Shri Praveen Rashtrapal
23. Shri Gireesh Kumar Sanghi
24. Shri Ravi Shankar Prasad
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2. Smt. Sudesh Luthra — *Director*
3. Shri P.C. Koul — *Deputy Secretary*
4. Shri D.R. Mohanty — *Under Secretary*

INTRODUCTION

I, the Chairman, Standing Committee on Information Technology (2008-2009), having been authorised by the Committee to submit the Report on their behalf, present this Sixty-seventh Report on 'Television audience measurement in India' relating to the Ministry of Information and Broadcasting.

2. The Committee had a briefing on the subject from the representatives of the Ministry on 29 January, 2008. The Committee took oral evidence of the representatives of the Ministry on 16 July, 2008. The Committee also received extensive inputs in the form of suggestions/write-ups from the Telecom Regulatory Authority of India (TRAI), various stakeholders and the industry and heard their views at the sittings of the Committee held on 19 June, 2008.

3. The Report was considered and adopted by the Committee at their sitting held on 10 December, 2008.

4. The Committee wish to express their thanks to the representatives of the Ministry, TRAI, stakeholders and the industry for appearing before the Committee and furnishing the information in connection with the examination of the subject.

5. Last but not the least, the Committee would like to place on record their deep appreciation of the substantial spade work done by their predecessor Committee (2007-08) (Appendix-I) for and in connection with the examination of the subject. The Committee benefitted a lot from the hard work put in by their predecessor Committee.

6. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold in Part-II of the Report.

NEW DELHI;
11 December, 2008
21 Agrahayana, 1930 (Saka)

NIKHIL KUMAR,
Chairman,
Standing Committee on
Information Technology.

(v)

REPORT

INTRODUCTORY

The television, which made a modest beginning in India on 15 September, 1959 is the most vital component of the Indian Entertainment and Media (E&M) Industry today. From a single Government owned channel it has expanded exponentially to 360 channels (as on June, 2008) in the last five decades. By the time the Eleventh Plan is over (2012), the number of channels is expected to shoot upto 465. The latest industry estimates have pegged the size of the E&M Industry at Rs. 53000 crore in 2007. This is expected to reach Rs. 115700 crore in 2012. Television as the largest segment of E&M Industry accounted for about Rs. 22600 crore in 2007 that is about 40 per cent of the total. With a plethora of delivery platforms and new technologies being introduced, the television will inarguably continue to garner the largest chunk of revenue for the E&M Industry in the years to come.

2. With about 120 million TV homes in the Country, the gadget provides a huge information dissemination platform, which is ideally suited for advertisement purposes. As per industry estimates the number of advertisers on TV increased by a phenomenal 29 percent during the period 2003 to 2007. Likewise, the number of brands advertised by these advertisers showed a quantum jump of 23 percent in 2007 over the figures of 2003. The revenue from television advertising, which was in the vicinity of Rs. 8000 crore in 2007, is projected to touch Rs. 20000 crore in 2012.

3. With such high stakes involved in the TV advertising industry and the rush amongst broadcasts, advertisers and advertising agencies for showcasing products on this potent medium, the viewers ratings of programmes has acquired added significance.

4. Television audience measurement/television rating points (TRPs), as the rating systems are commonly called, have been in existence in India since 1993 and are used extensively by the advertisers, broadcasters and production houses. Broadcasters and media agencies are constantly competing with each other as well as amongst themselves for higher ratings, for on these rides the ad spend and programme scheduling. Very often the content too gets determined, taking ratings as an indication of the viewers likes and dislikes. Not

only that, ratings often influence the pricing of channels. But with the impact of visual media on the social fabric through content creation and programme scheduling, issues of accountability, transparency and objectivity in ratings assume greater significance as false and misleading ratings can hurt not only the broadcasters and the advertisers but more importantly the viewing public.

5. Against this backdrop, the Committee took up the subject 'Television audience measurement in India' for detailed examination and report. As a preliminary examination of the subject, the Committee undertook on-the-spot study visits to various places and got some first hand information on several aspects of rating issues from eminent TV and film personalities, field agencies and stakeholders. Thereafter, the Committee heard the views of the Telecom Regulatory Authority of India (TRAI) who had received a reference on the subject from the Ministry of Information and Broadcasting (MoI&B), the Prasar Bharati Broadcasting Corporation, the Indian Broadcasting Foundation (IBF) and the rating agencies involved in television audience measurement. The Committee also held discussions with the MoI&B to get clarifications on various points relating to the subject. As a result of such interactions/discussions with TRAI, the Ministry of Information and Broadcasting and the organisations/agencies involved in rating issues, several loopholes/shortcomings have come to the notice of the Committee in the present television audience measurement system. Such failings include lack of transparency, authenticity, credibility and competition and the serious limitations of a small sample size and their impact on the content and scheduling of programmes with scant regard to the choice and sensitivities of the viewers. Taking all the above factors into account including the inaction on the part of the Ministry of Information and Broadcasting to come out with a concrete and enabling policy/guidelines to deal with the television viewership ratings regime, the Committee, in this Report, have made an attempt to review the existing system of television audience measurement and given their considered, recommendations to make the system transparent, authentic, accountable, professional and truly reflective of the viewers' choice.

II. AIMS AND OBJECTIVES OF TELEVISION VIEWERSHIP RATINGS

6. The main objectives of the television viewership ratings have been stated to be to indicate the popularity of a TV channel; provide information about the TV watching habits of viewers from different socio-economic background and to help advertisers and corporate media planners in selecting the right media at the right time to reach the targeted audience.

7. When asked whether the viewership ratings carried out by the rating agencies conformed to the aims and objectives for which the system was evolved/introduced, the Ministry of Information and Broadcasting stated that the ratings carried out by the agencies did not appear to conform to the aims and objectives of television viewership ratings as the following shortcomings were noticed:—

- (i) Limitations of sample size: Inadequate representation of the plurality of the platforms, regions, rural and small towns to reflect correctly the viewership.
- (ii) Reliability of the ratings: A lack of transparency in the method adopted for selection of the households and confidentiality of the names of the panel households so as to exclude all possibilities of 'induced' viewership as well as tampering with the data.
- (iii) Lack of validations: The ratings are not subjected to any validity tests. There is no independent audit carried out on the methodology adopted by the rating agencies for determining the sample and the procedures followed for arriving at the final results.
- (iv) Measurement methods: Inadequacy of the measurement methods to capture viewing across different platforms and availability of real time ratings through unobtrusive means rather than weekly.
- (v) Inadequate competition: There is little or no competition in the rating services. Although the sector is unregulated, it could only bring in the second agency in 2004, which brought in a higher coverage.
- (vi) Ownership issues: Biased ratings on account of the presence of the interested parties in the ownership of rating agencies.

8. It was also stated that the advertisers' decisions, programme scheduling, and even programmes available to the public were well affected by the ratings based on a small sample. Viewer's likes and dislikes and interests largely remained un-addressed. Given the implications on scope, schedule, and even content of programmes, the larger perspective of audience could not be ignored.

9. Expressing their views in the same context, the Indian Broadcasting Foundation (IBF) stated that the existing ratings systems suffered from inadequate non-coverage of below one lakh populated cities/towns as well as new delivery platforms such as DTH, IPTV

and Digital Cable. Further, existing vendors had only enlarged their samples where they were confident of covering the incremental costs with incremental revenues. If a future expansion of any audience measurement system happened at the specific instance of a particular broadcaster, or any other stakeholder, the broadcaster/stakeholder would have to be prepared to defray the entire incremental costs.

III. PLAYERS IN THE RATINGS BUSINESS

10. Initially, the only data available and followed for television viewership ratings was Doordarshan Audience Ratings (DART), collected by DD's audience research unit through its 40 Kendras and 100 All India Radio Stations. Starting with general viewing survey upto 1988, the panel diary system was introduced by DD in 1989 and continued upto 2001. They were later revived in 2004 covering 3600 TV homes in rural and 1600 TV homes in urban India.

11. In 1994, ORG-MARG's INTAM (Indian National Television Audience Measurement) was established for conducting television viewership ratings. While INTAM was in operation, a second rating *i.e.* TAM Media Research was formed in 1998. In 2001, both INTAM and TAM were formally merged. TAM is a joint venture Company between A.C. Nielson and Kantar Media Research/IMRB.

12. It was only in 2004 that another ratings agency *i.e.* Audience Measurement and Analytics Limited (a-Map) came into existence in India. Its commercial operations, however, started only in February, 2007. Thus, TV ratings on a commercial basis are now being done in India by the two agencies—TAM Media Research and a-Map.

IV. COVERAGE

13. The Committee were apprised that TAM Media Research measured in-home minute-to-minute TV viewing for all TV owning households in urban India in towns having population of more than one lakh. Sample was collected across 148 towns comprising 6917 people meters and responses from more than 30,000 individuals every minute, 365 days of the year about what they watched was taken into account and the viewing monitored for 300 plus channels to arrive at television ratings. These ratings were released on a weekly basis.

14. Audience Measurement and Analytics Limited (a-Map) provided data on multiple dimensions like demographics, ownership, viewership etc. These were released on a daily basis unlike TAM Media Research, which released the data on weekly basis. Their meters/devices were installed in 87 towns on population exceeding one lakh.

15. The Committee desired to know the exact number and name of the cities/States covered by TAM Media Research and a-Map for collecting the viewership details. In reply, it was stated that the total number of cities/towns covered by TAM Media Research was 148, which included the six Metro cities of Mumbai, Kolkata, Delhi, Chennai, Bangalore and Hyderabad. The States/UTs covered by TAM Media Research were stated to be Andhra Pradesh, Gujarat, Punjab, Haryana, Chandigarh, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Tamil Nadu, Uttar Pradesh, Uttarakhand, West Bengal, Orissa, Madhya Pradesh, Chhattisgarh and Rajasthan. The number of towns covered by a-Map was stated to be 87 and included the States of Bihar, Jharkhand, Jammu & Kashmir and Assam apart from the States covered by TAM Media Research.

16. Asked to state whether the rating system carried out by TAM Media Research and a-Map truly reflected the choice of the viewers as it was confined to major urban areas only, MoI&B stated that no ratings could be foolproof without covering all the States and reflecting rural India. The Telecom Regulatory Authority of India, the Prasar Bharati Broadcasting Corporation and the Indian Broadcasting Foundation echoed the same view. One of the rating agencies *i.e.* a-Map also agreed that both the systems, TAM Media Research and a-Map left a large part of India, particularly rural India, uncovered.

17. In the same context, the representative of TAM Media Research submitted during evidence,

“We would love to do it (go to rural areas). But we have been constrained by the resources that we have..... we had had couple of interactions with the Standing Committee (IT). The first thing we did after the November interaction was to reevaluate whether we could go into Bihar and Assam.....”

18. In a subsequent evidence, the Secretary, Ministry of Information and Broadcasting stated as under,

“I think, because of the concern that has been voiced in a number of quarters now, TAM has recently in a meeting with us informed that they are going to start ratings in Bihar, Assam and Jharkhand. Probably, there is a pressure on them to expand their operations.....”

V. METHODOLOGY AND SAMPLE

19. Regarding the methodology adopted in conducting the viewership ratings, that Committee were informed that TAM Media

Research deployed people meter system technology which is an electronic device attached to TV set which automatically recorded:—

- (i) The time that the TV is switched on/off.
- (ii) The channel that the set is tuned to at any point of time.
- (iii) Channel changed.

20. The Committee were also informed that a handset was provided to the household by which members of the household could register commencement and end of TV viewing. TAM Media Research employed the concept of people meter panel in which a fixed sample of individuals was taken which provided responses across time and the concept was best adapted to measure the change since data was collected from the same set of respondent.

21. The sample consisted of individuals of different educational qualifications, who were the chief wage earners of households, belonging to various social-economic groups such as unskilled workers, skilled workers, traders, self-employed professionals, etc. Every individual was given weightage depending upon how many individuals he/she represented. During selection of samples household/TV related information (number of TV sets owned, number of rooms in the house), demographics (household size, social-economic classification), TV viewing habits *i.e.*, time spent on watching, TV channels watched and city relating aspects such as power cuts, cable operators charges, etc., were taken into account. For selection of towns, socio-cultural regions of each State, cable and satellite channel penetration, terrestrial channel availability were also taken into account.

22. As regards the methodology adopted by a-Map in carrying out the television ratings, it was stated that under a license from Swiss Broadcasting Corporation, a-Map collected viewership data using Telecontrol VIII data collection units sourced from Telecontrol AG, and wireless connections using GSM modems. a-Map used Telecontrol VIII data recording units to collect TV viewership data from TVs in the sample homes. The Telecontrol unit was connected to the television receiver and it automatically registered/stored the information about the channel to which the TV set was tuned. This device could store up to approximately seven days' viewership information. The Committee were further apprised that a-Map had installed a pan-India panel of 6000 homes which was the largest overnight ratings panel anywhere in the world.

23. A comparative data indicating the areas/towns covered, the number of people meters, the technology used etc. by TAM Media Research & a-Map was stated to be as follows:—

Particulars	TAM (TAM Media Research)	a-Map (Audience Measurement and Analytics)
Year	1998 (year of commencement)	2004 (year of commencement)
Area Covered	All States except J&K, N.E., Bihar and Jharkhand	All States except J&K and N.E. 1
Towns Covered	148 towns having population > 1 Lakh	87 towns, population > 1 Lakh
People Meter	About 7000	About 6000
Technology	Electronic Analog meters upgraded to TVM5 digital meters. A technology imported from Nielson	Electronic Telecontrol VIII (Telecontrol AG) imported from Swiss Broadcasting Corporation
Capability of Technology to cover various platforms	Analog as well as Digital	Analog as well as Digital signals.
Reporting*	Weekly, with a four day lag	Overnight
Cost of the meter conveyed orally	Rs. 75,000 -1 lakh	Approx. Rs. 30,000

*a-Map has also covered Jammu and Guwahati as additional market.

24. The Committee asked about the criteria followed by TAM Media Research and a-Map for the purpose of television viewership ratings. In reply, the Ministry of Information and Broadcasting stated that as per the information available on TAM Media Research website, just as in the case of town selection, homes across selected towns were picked up to be the representative of the stratum of a particular market. Initially, a statistical analysis was conducted to understand which factors explained television viewing the most. These factors were used as control factors when selecting homes. Primary controls were those factors that most explain TV viewing and were maintained at an interlocking level basis. Secondary controls were those that were maintained at an overall stratum level basis. The Committee were informed that such information had not been made available by a-Map.

25. The Committee then desired to know for how long the people meters were set up in a household and the parameters for changing the households. In reply, it was stated that so far as TAM Media Research was concerned, the required information was not available with the Ministry. However, in a-Map rating, twenty percent of panel homes were replaced with new homes every year and sample rotation activity was distributed across the year.

26. During evidence, when the Committee desired to have the views of TAM Media Research on the above issue, the representative of TAM Media Research submitted,

“..... .on an average, it may remain for close to an year or year and a half. But it can change, depending upon the kind of demographic changes. If the key member of the home goes abroad, the profile of the home changes accordingly.”

27. The representative of a-Map in the same context stated:

“In our case when we have the meters, we keep on rotating the meters and keep on changing the homes periodically so that the panel does not remain the same. We make sure that every six months at least 10 per cent of the panel keeps on changing everywhere. As a result of the rotation over a prescribed period, the entire hundred percent of the households are changed”.

28. The Committee then desired to know from the Ministry of Information and Broadcasting whether the sample studies carried out by the rating agencies truly reflected the viewers' choice/preference as such studies were conducted only in a few selected cities/towns. In reply, it was stated that the present system might result in disproportionate weightage being given to viewership pattern of a small sample of viewers. Since, there were only two agencies in India and their sample size was limited to about 7000 (TAM Media Research) and 6000 (a-Map) metered homes, roughly 30,000 respondents from large urban centres represented about 120 million viewers assuming 5 members per household. As such, the rural areas and towns with a population less than a lakh, which constituted over half the population having access to Cable & Satellite channels and three-fourths of those getting DD channels, did not get measured at all. The effects of such ratings could be:—

- (i) The broadcasters focus more on producing content which is popular in their perception. The perception of broadcasters is based on the TRP. However, if the ratings are biased towards urban areas, then such a system would promote

production of content which may not necessarily be popular across different regions.

- (ii) The broadcasters fix the rates for advertisement spots for different programmes based on the popularity of such programmes as reflected by TRP. A non representative rating system may result in advertisement rates for more popular programmes being less than the advertisement rates for less popular programmes.
- (iii) The advertisers devise their media strategies based on the Television Rating Points. If the ratings do not reflect the viewership pattern accurately, then there is a likelihood of the advertising campaign missing its target viewers.

29. The Ministry of Information and Broadcasting therefore felt that such studies did not appear to reflect the real choice of the viewers for the following reasons:—

- (i) From the statistical theories, the larger the sample size nearing to the population, the greater would be the accuracy of the information/data generated. However, increasing the sample size has implications of the cost. The people meter is stated to be costing around Rs. one lakh. Nonetheless, the small sample has serious limitations of not reflecting the plurality of the platforms, regions, rural and small towns, etc. So the sample size should be such, which should set off the increased cost by the benefits it will produce through results that are more reliable. It can be reasonably expected that wider coverage would mean increased number of meters resulting in economies of scale lowering the costs.
- (ii) With the emergence of newer technologies/delivery platforms, television programmes can be made available to the viewers through different platforms. Inadequacy of the measurement methods to capture new television viewing such as digital TV, HDTV, interactive television and Digital Video Recorders could distort the TRPs. Consequently, the measurement methods used for rating purposes need to be compatible with the emerging technologies. The data regarding the viewership is presently collected weekly. Availability of real time ratings through unobtrusive means is also of interest.
- (iii) As with any industry, the monopoly player is bound to reap undue profits and advantages and will attempt to create

the entry barriers and use various unfair and anticompetitive measures to distort the competition. If there is inadequate competition in the television rating points, concerns of monopolistic behavior are bound to arise. Although the sector is unregulated, it could only bring in the second rating agency in 2004, which brought about a higher coverage. Increased competition improves the quality, reduces costs, provides additional services and better customer care etc. India is a large and diverse Country stratified into several socio-economic categories and regions. Competition is required because one system may not be able to capture the enormity and complexity of the Country. The main advantage of the increased competition and level playing field would be the increased coverage, better pricing and free play of the market forces.

30. When the Committee desired to hear the views of Prasar Bharati on the extant system of television audience measurement/TRP system with regard to the sample choice and size, reliability of data, transparency and the authenticity of the rating results, it was replied that in the extant scenario, broadcasters, advertisers and corporate media planners could not get the true picture of TV viewing in the Country as the rating systems did not adequately represent the actual television viewing pattern of the Indian TV homes. It was categorically stated that 62 million of 112 million TV homes were outside the ambit of television audience measurement ratings as they were in rural areas.

31. Prasar Bharati further stated that besides the size and non-representation of the sample, other factors affecting the reliability of TAM Media Research data were the release of data on weekly basis, lack of transparency in the method of selection of households and the confidentiality of the names of panel homes, which prevented verification. Further, induced viewership and tampering with data could not be ruled out as ratings were not subjected to validation or independent audit.

32. Asked to state the measures ought to be taken to make the television rating system truly reflective of Indian viewers' choice and taste, Prasar Bharati replied that the system had to reflect the socio-economic, demographic and geographic plurality of the Indian TV viewership which necessarily meant that rural India, small towns and a large part of the Country should not be left out of the ambit of the rating system. Further, the sample size had to be proportionately increased so as to adequately represent different socio-economic classes and regions of the Country. The ratings system should be made open to audit by an independent agency and data should be released in real time so that broadcasters could utilize the data in planning and

scheduling their programme content for diverse audiences. Moreover, there should be provision for carrying out reliability and validity tests of rating data.

33. As would be seen from the comparative data referred to above, the system of television audience measurement/TRP system presently in vogue furnished results after a time lag ranging from a day to a week. Citing opinions expressed in various quarter that in order to make the viewership ratings results truly indicative of the viewers' choices, a transparent and instantaneous system of ratings, which was real time, and through unobtrusive means would be really helpful, the Committee desired to hear the views of the TRAI. In reply, it was stated that worldwide it was understood that only two countries (Brazil & Chile) were reporting in near real time. Most countries reported audiences overnight, typically, viewing for the previous day up to 2 in the morning being available from 9 a.m. onwards. While the technology was capable of providing real time reporting, the use of the data might have its limitations in as much as part day's data and might produce slightly different results from the full day's data.

34. The statement of the reporting followed elsewhere was stated to be as under:

Sl.No.	Name of Country	Frequency
1.	China (Parts)	Overnight
2.	Poland	Overnight
3.	Philippines	Overnight
4.	Romania	Overnight
5.	Hungary	Overnight
6.	Serbia	Overnight
7.	Venezuela	Overnight
8.	Thailand	Weekly
9.	Slovenia	Overnight
10.	UK	Overnight
11.	Dominican Republic	Overnight
12.	South Africa	Overnight
13.	Indonesia	Weekly
14.	Greece	Overnight
15.	Italy	Overnight
16.	Turkey	Overnight
17.	Cyprus	Overnight
18.	Malaysia	Next three days
19.	Croatia	Overnight
20.	USA	Overnight

35. In the same context, the Indian Broadcasting Foundation, stated that ratings provided a tool to the advertiser and media planner to plan their TV advertising spends and to the broadcasters to price their advertising inventory. Both these processes would not be real time. It was further stated that even if a system generated ratings in real time, there was no technology available that would enable advertising to be scheduled and aired, or for that matter, prices to be set, in real time. Real time ratings would, however, help in shortening the entire media planning and execution cycle and perhaps provide the impetus for the development of real time advertisement scheduling and pricing tools.

36. During evidence, the Chairman, TRAI, replying to a specific query on the above issue, stated,

“internationally one of the preliminary requirement is that such technology should be used which has the capability to deliver rating services overnight. That is, it should not be seven days.”

37. He further stated,

“such reporting on weekly basis leaves a lot of scope for manipulation. It should be instantaneously conveyed to a Central Point. Spontaneous reporting must happen. It is happening worldwide.”

38. Asked to state whether it was because of the technology being used by TAM Media Research that they were taking a week for reporting, the Chairman, TRAI stated that in fact, earlier TAM Media Research was taking a longer period. When they realised all this debate was happening, they were reporting within a week.

39. In reply to a specific query, the Chairman, TRAI emphatically stated that both the rating agencies *i.e.* TAM Media Research and a-Map had to improve their technologies for instantaneous reporting.

40. In view of the above opinion of the Chairman, TRAI, the Committee desired to know the steps taken by the Ministry to ensure that the rating agencies maintained the international standard particularly in respect of the technology used by them. In reply, it was stated that the Ministry believed in fair competition and standardisation of both sample as well as equipment. However, as the television audience measurement system was completely unregulated, it was left to the market players to devise the system and use the technology they felt appropriate. It was further stated that the Government had made a reference to TRAI for giving its recommendations on several

issues including the types of equipment used and the cost thereof internationally.

41. The Committee then desired to have detailed information from the Ministry indicating the type of technology, the cost per household particularly the cost of the meter used for carrying out television ratings etc. In reply, it was stated that no such data was available with the Ministry, which had in fact made a reference to TRAI to *inter alia* study the above aspects.

42. Asked to state the reasons for not making any efforts to collect/ compile data in this regard, the Ministry of Information and Broadcasting stated that the TV audience measurement system was completely unregulated and it was left to the market players to devise the system and use the technology they felt appropriate.

43. TRAI, when asked to comment on the above issues, replied that the reported cost of a people meter used by TAM Media Research was between Rs. 75000/- to Rs. 100000/- whereas the cost of a meter used by a-Map was about Rs. 30000/-. It was also stated that although the issue of cost of meters was not raised specifically in the Consultation Paper, comments were received stating that reduction in import duty would bring down the cost of people meters. At the same time, TRAI emphasized that hardware cost was only one of the inputs in the overall ratings service.

44. The Committee queried whether the cost factor of the technology used by the rating agencies would not be a deterrent towards increasing the sample size. In reply, the Chairman TRAI submitted during evidence,

“The expenditure involved no doubt is there and we just briefly calculated that even for the 7000 people meter at the cost at which they have been procured, the cost would be Rs. 70 crore to 90 crore apart from all other related expenditure.”

45. When the Committee desired to hear the views of IBF on the cost factor of the technology used for ratings system, a representative of IBF during evidence, stated,

“A meter is a very expensive business. While it is okay for us to criticize them and say that they are unrepresentative, today as a vendor led product, supposing he (service provider) is to increase his sample size by ten times, will I pay ten times what I am paying.....”

46. Asked to indicate the options available, another representative of IBF stated,

“Sir, today, as a user, I have two options—either I use an available measurement system or I guess.”

47. Not convinced, the Committee specifically desired to know whether IBF was satisfied with the existing technologies and if not, the measures taken by it to put a robust system in place. In reply, a representative of IBF stated during evidence,

“...the current system is inadequate for today’s needs and the way the things have changed in the last several years. The research design itself is old. It goes back to several years, when the market was simpler, when advertisers were fewer and more homogenous. Today, we have complex markets, complex media. So, this system is not sensitive enough to actually and reliably track viewership of different kinds of audiences. The second very important reason as to why it is inadequate is that it is vendor driven. The vendor would decide what to do. So, users have no control over this research. We are just buying it, because that is the only thing, which is available.....”

48. The representative of IBF further stated that that was why the three bodies *i.e.* the broadcasters, the advertising agencies and the advertisers took the initiative to come together and look for a way to do audience measurement in a representative and robust manner.

49. Asked to indicate the exact steps taken by IBF towards that direction, the representative of IBF replied that they were going to start an establishment survey, which would determine the actual requirement of meters and the quality thereof.

50. When the Committee desired to know the views of a-Map on the above issues, a representative of a-Map stated during evidence,

“.....An increase in the size of the panel is absolutely needed.....However, this notion has been spread in India for a very long time that we cannot afford the rating systems that are cost efficient, representative and robust because the meter costs are extremely high.”

51. He further stated,

“These meters are still manufactured abroad. We are moving towards how to generate these meters in the Country itself. Till

now there has been a single monopoly in the world which has been supplying these meters. These monopolies are having a stranglehold on our Country also.”

52. The Committee then desired to have the views of TAM Media Research on the criteria fixed for determination of the sample/panel size and its adequacy. In reply, the representative of TAM Media Research stated,

“.....The sample size is determined by the kind of information that is wanted by the user at the end of the day. For example, like a market in Mumbai, the three dominant factors are one, in terms of the kind of language in which people watch TV, second, the amount of time they spend watching TV alongwith the kind of TV sets they have, third in terms of the location in which they are actually based in the entire city itself. These three become the key parameters. Besides them, there are demographic parameters like the age, gender and whether you have a terrestrial home etc.”

53. Asked to state the number of meters installed in Mumbai by TAM Media Research for undertaking the ratings the representative, TAM Media Research stated that 500 meters were installed in Mumbai for the purpose. When the Committee asked whether the number of meters installed in particular homes justified the case study *vis-a-vis* the population, the representative, TAM Media Research responded,

“.....We actually count the individuals and not the homes.....There is enough homogeneity to allow you to have a sample.”

54. Not satisfied with the reasonings, the Committee categorically desired to know whether TAM Media Research was making any efforts to increase the people meters. In reply, the representative, TAM Media Research stated that they were planning to increase the number of people meters to 12,000 from the existing 7,000 meters.

VI. COMPATIBILITY OF RATING TOOLS WITH THE EMERGING TV VIEWING TECHNOLOGIES

55. During the course of the examination of the subject, the Committee were informed that with the emergence of new technologies/delivery platforms, TV programmes could be made available to the viewers through different platforms. Inadequacy of the measurement methods to capture new television viewing such as digital TV, HDTV, interactive TV and digital video recorders could distort the ratings. Thus, in view of the pressing need for making measurement methods used for rating purposes compatible with the

emerging technologies, the Committee desired to know from the rating agencies about the efforts made by them to upgrade their technologies. In reply, a-Map stated that their proprietary technology could handle free-to-air, cable, CAS and DTH modes of television reception. It was further stated that apart from the existing technology, a-Map had the capability to respond to the changing technology space and viewing habits.

56. Responding to the above observation of the Committee, the IBF stated that they totally agreed with the view that the technology for ratings should be compatible with the new technologies emerging and able to take digital TV, HDTV, interactive TV, IPTV, Mobile TV etc.

57. In the same context, Prasar Bharati opined that the rating systems presently in vogue with both TAM Media Research and a-Map were inadequate to capture new/emerging technologies. Especially TAM Media Research would need to be replaced with a rating agency capable of monitoring new technologies such as Digital TV, HDTV, IPTV etc. It was further stated that the Broadcasting Audience Research Council (BARC) or another body modelled on the ratings system used in the UK would also help in this regard as that ratings system would be able to offer real time access of data from new technologies.

58. When the Committee desired to know whether TRAI had conducted any studies in this regard, it was replied that the existing standard was the fixed people meter for audience measurement. It was also stated that new technologies like portable people meter and Return Path Data were getting introduced to measure the emerging technologies/delivery platforms. Views of TRAI in this matter were reportedly being finalised as the issue was a part of the Consultation Paper.

VII. MONOPOLY

59. The Committee were informed that there was a virtual monopoly of TAM Media Research in the TV audience measurement in India. The Committee were also informed that a Country of one billion plus population could not afford to have such a monopolistic ratings regime which ignored rural India and many important States and influenced the TV programme in a disproportionately unfair manner.

60. In the above context, the Committee asked about the precise action taken by the Ministry of Information and Broadcasting to put

an end to the monopolistic ratings regime of the TV programmes and ensure a viewer friendly fair ratings system encompassing the whole of India, including the rural areas. In reply, it was stated that TAM Media Research enjoyed monopoly in the ratings business for a long time but one more player a-Map had recently entered the market thus ending the monopoly. It was further stated that improvements in the ratings system would be considered on receipt of the TRAI's recommendation.

61. Asked to state the basic reasons for more private players not coming in the field of television ratings, it was replied that apart from the prohibitive cost of equipment/rating meters, the other major reasons for more private agencies not coming in the field of television viewership ratings appeared to be entry barriers, use of various unfair and anti-competitive measures by the existing players, apprehensions in the minds of broadcasters etc.

62. Asked to comment on the above reasons, IBF stated that broadcasters themselves were not satisfied with the existing system and to overcome the situation, the Industry Bodies were in the process of formation of BARC. It was further stated that IBF totally believed that there should not be any monopoly in the ratings system nor restriction upon other players to enter the rating system.

63. In the same context, Prasar Bharati was of the opinion that the industry had so far not been inclined to encourage new players or any sort of changes in the existing ratings system. It was also stated that the manner in which TAM Media Research ratings were being done restricted the sample to selected urban pockets and left out small towns and rural areas. It proved beneficial to all cable and satellite networks other than Doordarshan. The skewed picture helped the satellite channels in getting a larger share of the advertising pie. It was further stated by Prasar Bharati that the stakeholders (with cross holdings in the bodies that make up the rating agencies) were also in a position to utilise the present system to tailor things to their advantage, if they chose to do so. This was another reason why new players were likely to face unfair barriers.

64. When the Committee desired to hear the views of TRAI on the above issues, it was replied that television ratings in India had not been regulated so far and as such there was no restriction which prohibited entry of new agencies to undertake rating of TV viewership. It was also stated that the details of the outcome of the deliberations on these issues would be forming a part of the recommendations to be made by TRAI on the subject.

65. The Committee then asked the Ministry about the proactive measures taken by them to motivate the new agencies to come in the field of television viewership ratings. In reply, it was stated that the Ministry had taken *suo moto* measures and held a series of meetings with the stakeholders, which had given it wide publicity. Reference to TRAI had also been made on 17 January, 2008 based on which a consultation paper had been floated by the Authority. The Ministry felt that such initiatives would definitely motivate the new players. It was further stated that formation of BARC was a direct fallout of the slew of initiatives taken by the Government.

VIII. TRANSPARENCY/RELIABILITY/AUTHENTICITY OF THE RATINGS SYSTEM

66. During their study visits to various places, the Committee were informed by eminent TV and Film personalities and other stakeholders that the people electronic meter system devised and used by TAM Media Research was not foolproof as it was secretly placed in a selected few households in major urban areas. The then Secretary, Ministry of Information and Broadcasting while deposing before the Committee, was also of the same view and further stated that there was no independent audit being done for the whole system.

67. In the above context, when the Committee desired to hear the views of a-Map, the representative of a-Map submitted during evidence,

“The disclosure is not about where the particular meter is. The disclosure is about the entire scheme; how are you doing this rating, what is your panel, what are the sub-panels, is this panel representative or not, is some kind of public audit taking place of this panel and finally as a result of the public audit a kind of authorisation is proved that this is an acceptable rating system....”

68. Asked to state categorically whether the system adopted by a-Map was transparent, the representation of a-Map replied,

“Yes, it is transparent, But it is not known to the outsiders by that way..... Transparency is not in the sense of each household like where the meter is kept.....”

69. When asked whether a-Map was giving gifts to people to be able to instal/use the people meter in their households, the representative a-Map replied in the negative.

70. On the transparency issue, the representative of TAM Media Research submitted during evidence,

“If it is transparency in the sense that we reveal the household names or household addresses, then that would be difficult. But if you are looking at transparency from the angle of how our operation is constituted we are open to complete audit. In fact, the present auditor who audits our system actually is the TRAI auditor himself. So, from an operational perspective, if you want to look at how our operation is done, we are open to any kind of non-vested interest party in trying to look at our system and investigate into it. But if it is going to be a vested party who is trying to know which homes have we placed our samples, we block only that part of it.”

71. Asked to state specifically whether any Government Body could inspect the system of ratings carried out by TAM Media Research, the representative of TAM Media Research replied in the affirmative.

72. The Committee then desired to know whether TAM Media Research was giving any gifts to the people whose houses were used for installing the meters. In reply, the representative of TAM Media Research stated,

“We do give gifts and it is part of every research function to provide with gifts. It is not an expensive gift.....”

73. In view of the alleged lack of transparency reliability and authenticity of the TRP system adopted by the rating agencies, the Committee desired to be apprised of the measures taken/contemplated by the Ministry to make the whole system more encompassing, realistic, reliable and authentic. In reply, it was stated that whereas the system of broadcast audience measurement service was totally unregulated in India, to take a holistic view of the matter, the Government had requested TRAI to give its recommendations, on the receipt of which further view would be taken.

IX. IN-HOUSE RESEARCH IN PRASAR BHARATI

(i) Doordarshan Audience Ratings (DART)

74. The Committee were informed that Doordarshan has its own Audience Research Unit since its inception. In the beginning Doordarshan was functioning under DG:AIR and therefore its audience research was carried out by the Audience Research Unit of DG:AIR. Doordarshan got separated from DG:AIR in the year 1976 as a separate

Directorate. Before its separation, some of the Doordarshan Kendras in the State capitals got their own Audience Research Units.

75. Audience Research Unit of Doordarshan was separated from AIR in 1984 with the creation of AR Unit at Directorate and a post of Director, Audience Research (DAR). The main objective of setting up AR Unit was to provide research inputs to Doordarshan with a view to planning and broadcasting need-based programmes and make the programme very effective and useful to the people of the Country.

76. As regards the main functions carried out by the aforesaid Audience Research Unit, the Committee were apprised that the main functions of the Unit were to provide research inputs by conducting:

- (i) Pre-telecast surveys *viz.* Audience Profile and need assessment.
- (ii) Post telecast surveys such as viewership surveys, evaluative/ impact studies as per the requirements at Directorate as well as Kendra level.

77. The Committee were further apprised that in addition to the above research work, the unit analysed voluntary feedback received through viewers' letters, press comments, etc. It prepared programme composition and Annual reports of Doordarshan at Kendra as well as directorate level, provided information for Annual Report of Prasar Bharati and the Ministry of I&B. The unit also conducted Countrywide regular programme rating study.

78. In response to a specific query, it was replied that the Research Unit conducted viewership ratings for only Doordarshan channels in rural and urban India with representative samples. It was also stated that Doordarshan was utilising both the in-house Audience Research as well as private agencies data to meet its requirement relating to audience research measurement/television rating points.

(ii) Methodology of DART

79. Asked to indicate the procedure followed by the Research Unit to disseminate the viewership ratings, it was replied that television viewership rating reports by the in-house research unit were prepared on weekly basis at Kendra level and submitted to the concerned Kendra as well Directorate for use by programme planners, producers, policy makers and marketing managers to plan commercial broadcast and to improve programme quality. The data were also uploaded in the Doordarshan website.

80. The Committee then desired to know the major difference in the reliability, authenticity and transparency between the rating methodology adopted by the Audience Research Unit and the private rating agencies. In reply, it was stated that the in-house Audience Research Units carried out rating study through panel diary system. This system was stated to be cheaper, transparent and reliable. But it had certain limitations also since measurement was not as accurate as that of the people meter system, which recorded viewership data minute by minute. Despite this limitation, the panel diary system gave results, which was comparable with that of the meter system. From utility perspective also the panel diary system was as useful as meter system.

81. The Committee were further apprised that although the rating by the private agencies was done through electronic meter system which gave accurate measurement, yet it was not foolproof. It was also too costly to be acquired by a single broadcaster and too complicated for the layman's understanding. It lacked transparency, reliability and authenticity because the system was not open to the broadcasters/user agencies or any other agency including the Government. Moreover, it was alleged that the system promoted misuse of the television media's role in the spread of violence, vulgarity, crime, sex, sensationalisation, blind copying of western culture and this ignored India's great cultural traditions, values, diversity etc. All this was done in order to attract viewership, gain popularity and earn revenue in a highly competitive market.

82. The Committee were informed that in DART, daily viewership data was collected through diary from representative panel members covering both rural and urban audience of the Country and report was generated on weekly basis, whereas in TAM Media Research/a-Map, viewership data was collected through electronic meter installed in representative TV households and processed through latest software for analyzing and reporting. TAM Media Research was reporting data on weekly basis through mail whereas a-Map was reporting data overnight through internet. Both TAM Media Research and a-Map were covering urban audience only in cities/towns having more than one lakh population.

(iii) Tie-up with Private Agencies

83. The Committee desired to know whether any tie-up was made by Doordarshan Research Unit with the private rating agencies, it was replied that television ratings was carried out by the staff of the unit through panel diary system with the assistance of part time casual

workers. Also, ratings was obtained from outside private media agencies viz. TAM Media Research. It was further stated that Doordarshan subscribed and paid Rs. 1.60 crore annually to TAM Media Research for supply of ratings on weekly basis for urban audience of cities having more than one lakh population in different States excluding North-East, J&K, Jharkhand and Bihar. Besides TAM Media Research, DD also engaged other agencies including Government agencies, Universities, private agencies etc. from time to time for programme evaluation/impact study.

84. During the on-the-spot study visits of the Committee to various parts of the Country, they were given to understand by several field units of Prasar Bharati that the ratings of TAM Media Research were highly prejudiced towards Doordarshan channels and programmes. In fact, a collusive element between the rating agencies and some private channels which proved to be detrimental to the DD channels was also apprehended.

85. In the above context, the Committee queried about the reasons behind Prasar Bharati patronizing TAM Media Research especially when the latter was not covering rural area, some States and even numerous cities/towns. In reply, Prasar Bharati stated that inspite of the obvious weaknesses in the extant ratings system, the broadcasters, advertisers and production houses under the aegis of IBF accepted the ratings of TAM Media Research as the basis for programme scheduling, content tailoring and expenditure, budget allocation etc. Prasar Bharati further stated that this practice had been continuing presumably because TAM Media Research was the pioneer in the field and had been in existence since 1998, without any serious competition. Hence, Prasar Bharati had no alternative other than to use the same system alongwith the other media industries, channels and broadcasters.

86. In response to another related query, Prasar Bharati stated that in 2003-2004, TAM Media Research was requested by Prasar Bharati to increase the number of people meters, so as to cover rural audiences also. As many affluent houses had more than one television set, the TAM Media Research sample had a second people meter in 245 households. TAM Media Research was also asked to re-locate the second people meter to households having no people meter at all. While TAM Media Research took no action on the second people meter, it asked for an additional Rs. 7.75 crore, (exclusively from Doordarshan) to extend its coverage to rural areas. Prasar Bharati was unwilling to shoulder this financial burden on its own, as it should have been shared by the industry. In January 2007, TAM Media Research expanded its coverage from 70 cities to 148 cities. This expansion was strictly

urban and restricted to strong cable and satellite homes. It resulted in significant decrease in the ratings of DD channels/programmes. TAM Media Research was requested to enlarge the coverage so as to cover the rural audience (DD's strength). TAM Media Research expressed inability to do so, due to scarcity of funds. Prasar Bharati was also not able to look towards realistic support from within the IBF in this regard as the manner in which TAM Media Research ratings were done in selected urban pockets, leaving out small towns and rural areas was beneficial to all other satellite channels other than Doordarshan.

87. The Committee then desired to know whether Prasar Bharati had any tie-up with the other rating agency *i.e.* a-Map. It was replied that Prasar Bharati had been approached by a-Map for a customised rural panel to unlock the true value of Doordarshan. Furthermore, a-Map and Television Monitoring and Research (TMR) had made presentations to Prasar Bharati to cover parts of rural areas and for channel mapping, so as to increase the reach and the effectiveness of the Doordarshan channels.

88. Asked to explain the contours of the above proposals and the extent of benefit to the Doordarshan channels, it was replied that a study on a-Map's proposal for a customised rural panel catering to Doordarshan would be conducted among the rural audience in the Hindi heartland. The sample size would be 2000 homes, the total capital cost for the project would be approximately Rs. 9.01 crore, and the annual recurring cost would be Rs. 4.65 crore. The entire cost was to be borne by DD and a-Map's remuneration for setting up the panel would be 10 percent of the capital outlay. a-Map had also proposed that it should be paid 30 per cent of the annual operating expenses, to operate this panel on an on-going basis. The proposal envisaged that while the viewership data and hardware shall remain the property of Doordarshan, a-MAP would have exclusive rights to sell this data to others. 20 per cent of this sales amount would go to a-Map and the rest would be with DD. a-Map estimated that within two years, the operations would turn cash positive.

89. The Committee were further apprised that the implementation of the a-Map proposal, could terminate the monopoly of TAM Media Research as the largest operator of television audience measurement in India. As a-Map proposed to cover small towns and rural areas, it would be more representative of the Indian TV audience. It would also boost DD viewership ratings, resulting in a greater share of the ad market. It would be difficult for the Indian broadcast industry, to ignore a-Map's daily ratings and the significance of the rural data.

90. The main features of the proposal received from Television Monitoring Research (TMR) were stated to be as under:—

- (i) TMR technology permits the monitoring of all channels being broadcast by MSO's/Cable Operators/DTH etc. It can also monitor whether channels banned in India are being broadcast.
- (ii) It generates city-wise reports on violation of the Cable Act and E-mail alerts on shifting of channels by the MSOs. It also provides customized daily/weekly/monthly reports as required by the client.
- (iii) The TMR proposal envisages a one time meter cost of Rs.50000/- per set. Additionally, around 100 nodes can be set up at different places at a monthly cost of Rs.7000/- per node.
- (iv) TMR would enable Doordarshan to monitor and get relevant data, as to whether cable operators are showing select DD channels on the required bands, with requisite quality of signals, as specified in the Cable Television Network (Regulation) Act 1995. As poor reception of DD channels translates into loss of viewership and ad revenue, TMR could help DD to take corrective measures against errant cable operators and MSOs who are presently flouting the law. This would translate into higher viewership and revenues and help the public broadcaster to function better.
- (v) TMR has a very wide canvas as it monitors all the channels. DD's interest in TMR would be largely limited to data related to DD and its performance *vis-a-vis* other major players.
- (vi) However, the monitoring of all 360 channels would be highly beneficial to the Ministry of I&B/or any other Regulatory body set up for the purpose. It would help to prevent banned channels from being broadcast in the Country. It would also help the Ministry to take action on city-wise reports of violations of the broadcast code and Cable Television Network (Regulation) Act by MSOs/Cable Operators and satellite channels. TMR could help in the adjudication of complaints lodged by the public against telecast of programmes. It would be ideal if this proposal is taken up by a broadcast regulatory body rather than by Prasar Bharati. However, Prasar Bharati has approved in principle a pilot project by TMR for monitoring DD channels in UP, Bihar and Chhattisgarh for 3 months.

91. The Committee then asked whether the Audience Research Unit of Doordarshan would be a part of the scheme of things envisaged. In reply, it was stated that it would not be feasible for the Audience Research Unit of Doordarshan to directly be a part of a-Map or TMR. The role of the Audience Research Unit would be to analyse and customize data generated by a-Map/TMR so as to support the Doordarshan programming and scheduling of its various channels. In addition, the Unit would provide relevant data to Doordarshan's marketing divisions.

(iv) Status of DART

92. The Committee were informed by the Ministry that Doordarshan's in-house panel diary system known as DART was cheaper, transparent and reliable, but it had certain limitations since measurement was not as accurate as that of the people meter system which recorded viewership data minute by minute. Despite this limitation, the panel diary system was useful as the people meter system both in terms of result and utility. The Committee were also informed that Doordarshan had been exhorted to broaden its DART systems.

93. When the Committee desired to hear the views of Prasar Bharati on the status and efficacy of DART, the CEO, Prasar Bharati submitted during evidence,

"We do have our own audience research system which was the only legitimate currency in the 1990s. But somewhere down the road, we lost track. I would put it very simply to you. Sir, that our system is mostly non-existent, though we are spending some money. DART has lost its credibility".

94. Asked to comment on the fate of DART, the CEO, Prasar Bharati stated,

"Sir, my own sense of the matter is that perhaps it may not really be worthwhile to expand the DART experiment. Perhaps, we will have to invest in more people meters getting installed in the rural areas. Some kind of a joint venture with somebody will have to be thought of. I will have to concretise my views on this. But I think that is the direction which we will have to take."

95. He further stated,

"I would like to assure you that we have a totally open mind on this. All avenues are open to us and we will try to have a definite step very soon on this. We are already in the process of talking to some people".

96. Taking note of the apparent contradictions in the statements of the Ministry of Information & Broadcasting and Prasar Bharati on the status of DART as mentioned above, the Committee desired to have a clarification on the matter. In reply the Ministry stated that the material furnished to the Committee by them regarding the status of DART was based on the inputs earlier received from Prasar Bharati. It was further stated that Prasar Bharati was an autonomous organization and the Ministry did not interfere in their functioning. Prasar Bharati had given its inputs regarding the in-house panel diary system of Doordarshan known as DART. Based on it, the material was furnished to the Committee. The CEO, Prasar Bharati was in a better position to comment on the utility or otherwise of the organisation within his control and therefore if the Committee had been informed by him that DART had outlived its utility and was virtually defunct, the Ministry had no comments to offer.

97. The Committee categorically desired to know whether Prasar Bharati had suggested any alternatives for the in-house research in view of the insufficiency of DART. In reply, the Ministry stated that Prasar Bharati had not given any suggestions regarding an alternative for the in-house research on programme contents.

98. When the Committee desired to know whether TRAI had made any evaluation of the reach, spread, sample size, efficiency, transparency and research quality of DART, TRAI replied that since DART was an in-house system of Doordarshan for its own use and for its own channels, TRAI had not made any evaluation of DART. However, TRAI recognised that the diary based system still prevailed in many countries to supplement the ratings done through the electronic meters.

(v) Advertisements for Doordarshan

99. In response to the Committee's query regarding sufficient advertisements to Doordarshan, a representative of Prasar Bharati submitted during evidence,

“advertisers know and we can prove it that whatever money they are paying to Doordarshan, it is much better off than ratings. If you go by TAM and if you compare two programmes of Doordarshan, one has a TAM rating of seven and another has a TAM rating of five, but you will find that this programme which is lower in ratings gets more advertising. It is because the advertisers are conscious of Doordarshan's reach. They know it and they use it as a leverage.”

100. Asked to state categorically whether any study was conducted by Prasar Bharati/Doordarshan in the context of the above statement, the representative of Prasar Bharati stated,

“What I am saying is actually reflected by TAM study itself. I am not saying anything beyond TAM. The only thing is TAM does not project it. If you have ratings of all homes, at any point of time, all 50 programmes will be Doordarshan’s programmes, that is both CS (Cable and Satellite) and non-CS homes. The eyeballs for Doordarshan’s programme, at any time, will be far, far better than the nearest rival channel. If you take all homes into consideration, the next rival channel, be it STAR, SONY, ZEE or whatever it is, is miles behind.”

101. The Committee desired to know whether Doordarshan was getting sufficient revenue by way of advertisements when compared with the private channels. In reply, the CEO, Prasar Bharati submitted,

“This is true that the advertisers focus primarily on that segment of population which in their view has the surplus funds, so do the satellite channels because profit is the main concern there. In our case, since we started with the legacy of public service, we still believe in that, we have to service the entire spectrum of the Indian population geographically and demographically, we do not really consider revenue as a main motive, while the other channels look at that as their primary driving force.”

(vi) Quality of Programmes

102. The Committee asked whether it was not imperative for Doordarshan to improve its quality of programmes for attracting more advertisers and thereby generating substantial revenue. In reply, the CEO, Prasar Bharati responded,

“It (quality) has gone up to an extent because of some efforts, though they are initial efforts and we have to do much more. But there have been some improvement I would say. There is scope for much more undoubtedly. Secondly, there is also a problem with us that we have not been promoting ourselves even while we may have good programmes, we do not spend money on promotions. That is another area which we are addressing. There has been some improvement lately but these are early days. We would take more time but we are appreciating this issue.”

(vii) DART—Fund Allocation and Utilisation

103. As regards the fund allocated and expenditure incurred by the Audience Research Unit during the years 2006-2007 and 2007-2008 as well as the allocations made for the 2008-2009 fiscal, the following information was furnished to the Committee:—

Year	Sanction Budget Grant	Revised Estimate	Final Estimate	Expenditure Incurred
2006-07	Rs. 79.83 Lakhs	Rs. 80.00 Lakhs	Rs. 80.85 Lakhs	Rs. 74.40 Lakhs
2007-08	Rs. 79.83 Lakhs	Rs. 79.63 Lakhs	Rs. 85.80 Lakhs	Rs. 72.11 Lakhs
2008-09	Rs. 1.099 Crore	—	—	—

104. Asked to state the requirement projected in each of the abovesaid years and whether paucity of funds had affected the performance of the Audience Research Unit, it was replied that the funds allocated in 2006-07 and 2007-08 were as per requirement to conduct rating study, viewership survey on DD Direct Plus and two evaluative studies *viz.* impact study on Doordarshan programmes on the tribals of Maharashtra and on CPG programmes in J&K in the year 2007-08; and impact study on PAK TV in J&K in the year 2006-07. For the year 2008-09, a proposal for fund allocation of Rs. 2.206 crore has been made to conduct rating study to increase samples of the study and to acquire computers and software for data tabulation and analysis.

105. It was also stated that there was no paucity of funds during the years 2006-2007 and 2007-2008. The Ministry of Information and Broadcasting further stated that however a higher allocation under this head would lead to increase in the advertising revenue.

106. When the Committee desired to know the reasons for shortfalls in expenditure by the Audience Research Unit during the years 2006-2007 and 2007-2008, it was stated that funds allocated to Doordarshan Kendra, Srinagar could not be utilised because conducting survey was not possible due to the non-conducive atmosphere in the region. Another reason for non-utilisation of funds was reported to be the staff constraints in Delhi, Mumbai, Nagpur and Bhubaneshwar Doordarshan Kendras.

(viii) Staff Strength

107. The sanctioned staff strength of Prasar Bharati's Audience Research Unit including its 18 Field Units was stated to be 64. However, the actual staff in position as on 22 May, 2008 was reported to be 34.

108. The Ministry of Information and Broadcasting in their written information stated that in view of the existing workload of the Audience Research Unit, there was acute staff constraint. The Ministry further stated that the assigned functions of the Unit were, however, managed with the existing limited staff, but with difficulty.

109. In the above context, the Committee desired to know the efforts made by Prasar Bharati/Doordarshan to fill up the vacancies in the various field units of the Audience Research Unit. In reply, Prasar Bharati stated that proposals had been sent to the Ministry of Information and Broadcasting to fill up the existing vacancies on promotion for various categories of posts as there was a ban on direct recruitment. It was also stated that a Committee had been appointed to do a cadre review of the audience research staff so as to remove the bottlenecks in the existing structure.

110. The Committee were further informed that the Ministry had asked for certain clarifications and the proposals were being revised accordingly by Prasar Bharati. Promotional posts were expected to be filled up during the 2008-2009 fiscal.

111. In response to a specific query on the plans of Prasar Bharati/Doordarshan for broadcasting DART despite acute staff shortage in the field units of the ARU, it was stated that in order to tackle the acute staff shortage and to strengthen the Audience Research Unit, Prasar Bharati proposed to combine the present staff of the Audience Research Units of AIR and DD. This synergy would strengthen the research team at headquarters and help post sufficient staff in select regions as per the requirement.

112. It was further stated that DART had a sample of 5200 TV homes. Its diary method was justifiably considered archaic and was not accepted by the industry. However, since the extant rating systems of TAM Media Research and a-MAP did not cover rural India, DART needed to be used to cover the rural areas, which were excluded by the other agencies. The sample size could also be increased to 14400. However, Doordarshan ratings through the diary method could be used only as an interim measure. It could be discontinued when rating agencies spread their sample people meters proportionately to represent the rural TV audience.

X. FORMATION OF AN OVERSIGHT AND CONTROL BODY BY INDUSTRY ASSOCIATIONS

113. The Committee were informed that the leading industry associations of the broadcasters, the media and the advertising sector

had recently formed the Broadcast Audience Research Council (BARC) to oversee and control the TV audience measurement system in India. It was reported that BARC would be a not-for-profit body under Section 25 of the Companies Act, 1956.

114. In the above context, the Committee desired to hear from the Ministry of Information and Broadcasting about their views on this development and whether BARC had come up with its suggestions for an effective mechanism to carry out the ratings studies/research. In reply, it was stated that the Government welcomed such a move, which endeavoured to provide a transparent system of television ratings. The recently formed Broadcast Audience Research Council was a voluntary effort of leading industry associations of the broadcasters, media and advertising sector.

115. The Ministry further stated that the objective of BARC was to provide accurate, up-to-date and relevant research relating to television (to begin with) and other audio/video media in a completely transparent and objective manner and at a reasonable cost to the users. The basic thrust of BARC for ratings research was that it should be truly representative, robust and transparent. The Ministry, however, also confessed to the Committee that IBF had been in existence since long and it was only after the Ministry focused attention on the shortfalls of the rating system that the decision to set up BARC has been taken by them.

116. BARC was planning to adopt the Broadcasters' Audience Research Board (BARB) model of UK and conducting baseline study to know the size of TV viewer's universe. After completion of the baseline study, it would conduct ratings research for its members, by awarding contract to rating agencies as was being done by the BARB in UK.

117. Asked about the composition of the Council, the Committee were informed that it will have an equal representation from the Indian Society of Advertisers (ISA), Indian Broadcasting Foundation (IBF) and the Advertising Agencies Association of India (AAAI). The Committee, however, noted that Prasar Bharati, the Public Service Broadcaster and undoubtedly the biggest broadcaster in the Country is not represented amongst the directors of IBF on the BARC Board. Asked to state the reasons for non-representation of anybody from Prasar Bharati on the BARC Board despite the Public Broadcaster being a member of IBF, it was replied that Prasar Bharati had taken up the issue with the IBF by pointing out that as the Public Broadcaster, Prasar Bharati's presence

on the board of directors of BARC was essential. It was further stated that Prasar Bharati had already sent the name of one of the senior level officers of Doordarshan as its nominee.

118. When the Committee desired to know from IBF itself as to the reasons for non-representation of anybody from Prasar Bharati on the BARC Board, it was stated that BARC was not yet a registered entity and the initial members nominated from the three apex organisations should be seen as a project team that would take the BARC concept forward, rather than a formally constituted Board of directors. IBF's representation on the formal BARC Board would be decided by the IBF Board meeting. It was further stated that Doordarshan is a public service broadcaster and one of the biggest broadcaster in India and IBF is proud to count it amongst its membership. IBF regularly sought volunteers to represent it at various fora and would be delighted to nominate a Doordarshan representative as one of its quota of BARC directors.

119. From the brief background, submitted by IBF on the representation of Prasar Bharati in IBF since its inception, the Committee noted that the officials of Ministry of I&B/Prasar Bharati have been President/Vice-President of IBF between December, 1999 to June, 2007. By the time the next AGM was held on 21 September, 2007, the new CEO of Prasar Bharati had been appointed. For the Annual General Meeting of IBF scheduled to be held on that day, CEO, Prasar Bharati had also sent his nomination for the election. The nomination was proposed by the Chief Executive of Zee Telefilms. However, since the nomination papers of CEO, Prasar Bharati did not indicate the mandatory Director Identification Number (DIN) and CEO, Prasar Bharati could not submit the DIN even in the AGM held on 21 September, 2007 he was inducted as a special invitee on the IBF Board along with a similarly placed Chief Executive of another channel. Accordingly, all the communications being addressed to the members of the Board were also sent to both the special invitees.

120. During the evidence, when CEO, Prasar Bharati was asked to clarify in the matter, he stated,

"CEO of Prasar Bharati used to be the Chairman of IBF but I have not attended any meeting. There have been 2-3 since the time I have come".

121. He further added emphatically,

"I do not even know where the IBF is. I never had any single meeting. It is true, Sir, that in the past when it started, somebody from the Prasar Bharati agreed to do so. I have no brief for that viewpoint. I am very convinced that I am a public service broadcaster and I will be true to my faith."

122. Elaborating further, he added,

“Actually, Sir, Prasar Bharati or Doordarshan is a member of the IBF. But it seems to me that we are really at a distance with them because they are a body of private TV broadcasters and Prasar Bharati has a different outlook. Actually, the fact of the matter is that my predecessor was the president of IBF and when he went away there was an interregnum. There was somebody officiating as the CEO of Prasar Bharati for seven or eight months. Therefore, that opportunity was lost. IBF presidentship has gone from Prasar Bharati in any case, there is a kind of difference in the basic approach also in more ways than one.”

123. Taking note of the apparent contradictions in the statements of Prasar Bharati and IBF, the Committee wanted to have the views of the Ministry of Information and Broadcasting regarding the relations between the public service broadcaster and IBF as well as non-representation of Prasar Bharati on the BARC Board. The Ministry of Information and Broadcasting, in reply, stated that Prasar Bharati was autonomous and its affiliation with IBF was within the knowledge of Prasar Bharati itself as no clearance from the Government had been sought in this regard. The Ministry further stated that it was a matter of record that the then CEO of Prasar Bharati was the President of IBF.

124. Asked to state categorically whether the Ministry would have any say on the composition/functioning of BARC, it was replied in the negative. It was further stated that the details of the members of the BARC Board had not been furnished to the Ministry, hence they were not in a position to offer any comments regarding the inclusion/exclusion of Prasar Bharati or the public at large from it.

125. The Committee then desired to know from IBF as to how BARC would ensure the interest of the viewer, the most important stakeholder in the broadcasting sector. In reply, IBF stated that the proposed constitution of the BARC would be adequate for the role mandated for it as BARC would examine and increase the number of people meter homes appropriately and their spread in the Country. This would bring much larger number of viewers within the ratings system and with this the interest of the viewers would be protected.

126. In the same context, Prasar Bharati stated that BARC seemed to be broadly modelled on the pattern of BARB *i.e.* the ratings agency prevalent in the United Kingdom and its vision document articulated a transparent and objective measurement system. The success of BARC

would, however, depend on its implementation in a proper manner. It was further stated that Prasar Bharati's participation and a definite role to the Public Broadcaster in managing the affairs of BARC would help in correct implementation of the stated objectives. Some of the immediate concerns of Doordarshan in the context of the formation of BARC were reported to be as follows:—

- (i) The initial Board of Directors of BARC will have 12 Directors,—four each from the three groups, which constitute the JIB—*i.e.* IBF, AAAI, and ISA. Even though the three groups have four Directors each, a group has only one vote. Thus, IBF which represents the broadcast body will have only one vote, while AAAI and ISA who are largely similar bodies will have one vote each.
- (ii) The initial corpus of Rs. 2 crore for the formation of BARC is not shared equally by the three groups. It is to be shared by IBF, AAAI and ASI in the ratio of 80:15:5. However, since all three associations have equal number of Directors/ voting rights/powers, even if the broadcasters as a whole have an unanimous view, they can still be outvoted by AAAI and ISA who contribute only 20 per cent of the corpus.
- (iii) IBF's broadcasters have diverse interests and are in constant competition with each for TRPs. They need not necessarily thus have a common view or common interests. There is thus no guarantee that the four Directors who make up the IBF should agree on the way that they should vote on/or conduct the issue of audience measurement.
- (iv) As seen from the TAM experience, Doordarshan's interests are different from other satellite channels. The manner in which TAM ratings have been done leaving out small towns and rural areas (DD strong areas) have been advantageous to all satellite channels other than Doordarshan. The skewed picture has helped satellite channels to get a larger share of ad spent. It would not be unfair if it is said that Doordarshan's loss has been the collective gain of the cable and satellite channels.
- (v) In the present voting pattern, even if the Public Broadcaster is on the Board of Directors, it does not entitle it to a 'complete/single' vote, inspite of being the sole representative of homes with access only to terrestrial television.

- (vi) BARC presently envisages that contributors will vary according to revenue earned by the Broadcaster. Those with revenue of Rs. 100 crore and more, would pay the maximum amount of Rs.10 lakh annually. Thus, broadcaster like Prasar Bharati would be paying additional money without any extra returns. In the BARB model of UK, all subscribers pay an equal amount of money and additional amounts are charged for accessing specific data. BARC however, makes special allowances for small players in IBF and the other two bodies. Thus, both small and big stakeholders would have an equal say without sharing the same financial burden.
- (vii) BARC is to have its headquarters in Mumbai with its office in the premises of STAR TV. It would not be advisable for the office of the rating agency to be in the premises of any of the stakeholders. It would be ideal, if the office of BARC is based in Delhi as the headquarters of IBF are in Delhi.
- (viii) BARC envisages that the confidentiality of the audience whose viewing patterns are being measured will be maintained. This is on international patterns. However, to ensure geographical spread of the audience covered and proportionate sample covering a cross section of the India TV audience, it may have to be overseen by a regulatory authority as mentioned earlier.
- (ix) The MOA of BARC states that the first rules and regulations shall be framed by the first Directors of the company. All or any changes thereafter have to be approved by two thirds of the Members at the General Meeting. It is important that the initial rules are framed in a manner that reflects the commitments made in the vision document and the concerns expressed above.

XI. ELECTRONIC MEDIA MONITORING CENTRE (EMMC)

127. During the course of the examination of the subject, the Committee were given to understand that the EMMC had become operational. It was reported that the EMMC, to begin with would be able to perform automated recording of atleast 100 TV channels simultaneously in order to monitor the contents of the programmes telecast thereby keeping a track of the violation of the Cable Television Network (Regulation) Act, 1995 and the Rules made, thereunder.

128. During evidence, the Secretary, Ministry of Information and Broadcasting further apprised the Committee as under,

“ The Ministry has set-up an Electronic Media Monitoring Centre in Delhi, which, at present, has the capacity to simultaneously monitor 120 channels which can be increased to 300 channels. The staff requirement is being put in place. I believe this is a good step for monitoring the content of television channels. This method of monitoring the channels, alongwith a regulatory mechanism in place would take care of the issue of undesirable content on Television.”

129. In the above context, the Committee desired to be apprised of the effectiveness of EMMC in tackling the manipulation of the programme content by the rating agencies. In reply, the Ministry of Information and Broadcasting stated that as per the terms and conditions of the permission granted to TV channels for their operation in India, every channel was obliged to maintain a record of its programming content for a period of 90 days. Many a times complaints were received against TV channels for the violation of Programme and Advertising Codes prescribed under the Cable Television Network (Regulation) Act, 1995 and the rules framed thereunder and it became difficult to get the information/footage from the TV channels as well as to verify the accuracy thereof thus, remedial action got delayed. With the setting up of EMMC, the Government would have the entire footage at its command and any violation by TV channels could be immediately seen by the authorities entrusted with monitoring these channels and a report sent to the Government on the basis of which action could be initiated. However, even the continuous monitoring of all broadcast content of the channels might not be able to tackle the alleged manipulation by rating agencies as EMMC was not envisaged to do an audit of the agencies involved in the rating system.

130. Not satisfied with the reply, the Committee asked during evidence whether EMMC was adequately equipped to give proper reports with regard to any violation and whether it had got the capacity to only monitor the programmes or go into all the details. In reply, a representative of the Ministry submitted,

“The purpose of the Centre is to be able to monitor the programmes at random, log them for at least a period of three months. Then, there will be auditors in the Centre who would be physically watching it. Where they find that there is, *prima facie*, violation of the programme code or advertising code, that may be reported to the Ministry.”

131. Asked to specifically indicate whether EMMC alone would be able to monitor the violation of content/programme/advertising code, another representative of the Ministry stated,

“The Electronic Media Monitoring centre is seen as a part of the overall vision of the Ministry with respect to content regulation. It has three main pillars—one, a Regulator, second the Legislation and the third is the Electronic Media Monitoring Centre. If we are able to put together all these three pillars in place, then, we have a really effective system. As of now, without a Legislation and a Regulator, we have still been able to go ahead with the Electronic Media Monitoring Centre since we have made the plan provision and everything.....”

132. Responding to a query of the Committee regarding any statutory backing for such a monitoring system, the representative of the Ministry further stated,

“In the proposed Broadcast Services (Regulation) Bill, we have given adequate powers to the Regulator to act on the basis of the reports generated. “

XII. INTERNATIONAL PRACTICES

133. As regards the salient features of the system in vogue for television audience measurement and for working out the viewership ratings in some of the developed/developing countries in the world, the Committee were informed that the television ratings business could broadly be classified into three major forms of organisations *i.e.* Own Services (OS), Media Owner Contract (MOC) and Joint Industry Committee (JIC).

134. Asked to elaborate, it was stated that Own Service (OS) systems were services which were set up on an entrepreneurial basis and wholly owned and managed by a research supplier. The advantages of this type of system were stated to be speed in terms of both set-up and ongoing charges and improvements and no long term cost commitment by users since they simply bought the data they required. Countries like Hungary, Russia, Spain, USA, Brazil, India, Japan and Thailand followed the OS system.

135. The Media Owner Contract (MOC) was stated to be a system where one or more broadcasters (and occasionally an agency or advertiser) commissioned research from a research supplier. The commissioners owned the data and they made all the decisions

although there was usually a technical committee, which represented other users. Countries like Germany, Norway, France, Canada, Australia and Hong Kong reportedly followed the MOC system.

136. The Committee were then informed that the Joint Industry Committee (JIC) was a system where the research was commissioned by a committee representing all interested parties *i.e.* broadcasters, advertisers and media agencies. The committee owned all the data and made all the decisions regarding it. Countries like United Kingdom, Finland, Italy, New Zealand and South Africa reportedly followed the JIC system.

137. In reply to a specific query, it was stated that there was no fixed structure about the method which audience rating organisation followed and the choices had been made to suit Country specific measurement issues and needs. Largely, these were not regulated through Government bodies. The Broadcasters Audience Research Board (BARB) in the United Kingdom, the Media Rating Council (MRC) in the United States of America, the Bureau of Broadcast Measurement (BBM) in Canada, the Australia Television Audience Measurement (OZTAM) in Australia and the South African Advertising Research Foundation (SAARF) in South Africa remained responsible for the television audience measurement/TRP system in their respective countries.

138. Asked to compare the television audience measurement in India with that of the above-mentioned countries, it was replied that unlike in the United Kingdom where the sample panel of households was fully representative of all the television households across the whole of the United Kingdom, in India, the sample households did not reflect the entire rural areas and the States of Bihar, Jharkhand, North East and Jammu and Kashmir. Moreover, even urban areas from where data was collected involved only 148 towns having population of more than one lakh. Similar was the situation in Australia where the households were recruited to OZTAM's panel *via* a large-scale establishment survey. The Committee were further informed that in Italy, the AGCOM (the Italian Communication Independent Authority) had prescribed guidelines on TV, radio and press audience measurement which were so far absent in India.

139. When the Committee desired to hear the views of Prasar Bharati regarding replication of any international practices in India, they replied that BARB, the existing model in the UK, would be suitable for India as well as Doordarshan, subject to it being implemented properly.

140. Asked to furnish reasons for the suitability of BARB to Indian conditions, Prasar Bharati submitted that BARB model could take care of several of the existing inadequacies in the Indian ratings system due to the following reasons:—

- (i) The design of the BARB panel is proportionate to the population and sufficient care is taken to avoid any geographic and demographic disproportionality. The Panel homes are selected via a 'multi stage, stratified and unclustered' sample design.
- (ii) The selected panel ensures representation from different segments of the society—such as age, social class, sex, working status, number of people in the household etc.
- (iii) BARB conducts an annual establishment survey with 52, 500 interviews. This survey is conducted by random probability which means that any household in UK has an equal likelihood of being selected for the interview.
- (iv) BARB measures both analogue and digital delivery via cable, satellite and terrestrial distribution. It covers home viewing systems like VCRs/DVD players etc. Multiple TV sets are also measured in the sample homes.
- (v) BARB out sources, professional research companies for panel design and quality control, establishment survey and for recruiting and metering the panel, data collection and processing. This ensures that no single agency performs the complete task and helps to avoid monopoly and potential manipulation of data.
- (vi) BARB provides daily overnight data and weekly consolidated data. Throughout the day, the meter system stores all viewing data undertaken in all the sample households. Each night, between 2 am and 6 am, the data processing centre automatically downloads the data from every panel home. Overnight, minute by minute television viewing data is transferred to the clients by the next day morning. The weekly data which includes home viewing systems known as the "BARB Gold consolidated data" is used by industry and trade.

141. In the same context, IBF stated that it would be better not to replicate a system operating in a particular Country. The idea of having a joint industry body of the three contending industries—broadcasters, advertising agencies and the advertisers had been evolved and IBF

supported this idea. However, BARC was expected to benchmark its organisational and operational plans to global best practices in the television audience measurement space.

142. When the Committee asked the Ministry to furnish their views to make the process more broad based and in consonance with the social ethos, it was replied that the extant system might result in disproportionate weightage being given to viewership pattern of a small sample of viewers. Since there were only two agencies in India and their sample size was limited to about 7000 (TAM Media Research) and 6000 (a-MAP) metered homes, roughly 30000 respondents from large urban centres represented about 120 million viewers assuming 5 members per household. As such, the rural areas and towns with a population less than a lakh, which constituted over half the population having access to Cable & Satellite channels and three-fourths of those getting DD channels, did not get measured at all. This has led to a never-ending race for attracting more eyeballs in the process of which Doordarshan channels had got relegated to the background. The matter had, therefore, been referred to TRAI for their recommendations, on the receipt of which further view would be taken.

XIII. REGISTRATION OF RATING AGENCIES

143. In response to the Committee's query as to whether there was any stipulated system of formal registration laid down for the individuals/agencies carrying out television ratings, the Ministry of Information and Broadcasting stated that no such system of registration existed. It was further stated that the Ministry had felt the need of a more transparent and credible system and therefore the matter had been referred to TRAI.

144. When the Committee desired to hear the views of TRAI on having a well laid down system of registration for the agencies desirous of/providing ratings services, it was replied that this was one of the issues posed for consultation. Based on the views expressed, TRAI will make appropriate recommendations in this regard.

145. Commenting on the issue of registration of rating agencies, Prasar Bharati Broadcasting Corporation submitted that a well laid out system of registration and proper guidelines would be required to ensure transparency and independence of the rating agencies. It was further stated that the eligibility criteria for registration of rating agencies should be expertise, experience, plurality of the regions and viewership, financial stability etc. Further, clients should not be permitted to have cross holdings with profit making rating agencies.

146. In the same context, IBF stated that some of the key qualifications criteria for a research agency desiring to participate in any of BARC's global tenders will be:—

- (i) Proven international experience of syndicated television and other broadcast media audience research.
- (ii) Current mandate for such research in at least one significant market (Measuring a television audience greater than 10 million homes).
- (iii) Willingness to submit to BARC's stringent research design, oversight and audit requirements.

147. The Joint Industry Committee (JIC) *viz.* BARC will be incorporated as a "not-for-profit" organisation, preferably a company registered under Section 25 of the Companies Act or a society registered under the provisions of Societies Registration Act.

XIV. INDEPENDENT AUDIT SYSTEM

148. The Committee were informed that the possibility of TV audience measurement being manipulated could not be fully ruled out as the data with respect to 'people meters' was kept completely secret by the rating agency. The Committee were further apprised that due to the monopolistic regime which was prevalent in the extant viewership ratings system, there was a greater cause for suspicion that such an eventuality might arise especially when there was no independent audit of the rating system.

149. Asked to state the feasibility of putting an independent audit system in place and the role and responsibility of the Ministry in this regard, it was replied that putting in place an independent audit system could be one of the mechanisms to check manipulation of the measurement system as was being done in a number of other Countries. It was further stated that due to the increasing number of concerns voiced over the alleged manipulation of the system, the Government decided to seek the recommendations of TRAI before formulating any comprehensive policy/guidelines in this regard.

150. The Indian Broadcasting Foundation in their submission to the Committee stated that none of the two existing private rating systems passed on the transparency yardstick, as there was no independent oversight/audit by either the industry or the regulator.

151. Asked to state the action taken by the IBF, as the apex body of the broadcasters, to improve the ratings system, it was replied that IBF as the apex industry association of the broadcasting industry, played a critical role in building consensus on major issues across the industry. It has been in regular touch with the two agencies at the level of the Secretariat and has also arranged Board level interactions with them. The expansion of the TAM Media Research's ratings panel was at least partly motivated by IBF's insistence. In the meeting of the Board of Directors of IBF on 10 January, 2007 it was decided that TAM Media Research should give a presentation as to how it would cover mandatory Conditional Access territories. Further, IBF asked TAM Media Research for rotation of people meter homes at periodic intervals to have a level of transparency in the system. The other ratings agency *i.e.* a-Map was also asked to give a presentation on the same line.

152. The Committee then desired to know from the Ministry of Information and Broadcasting as to whether the rating agencies by virtue of their holding pattern or by virtue of their interest or activities in collaboration or partnership with any other stakeholders in the broadcasting/advertising sectors could be assured as having a vested interest or stake in these activities. In reply, it was stated that apprehensions of these nature had been raised time and again regarding agencies conducting television viewership ratings, their origin and identity, etc. Certain posers have been made as to where is their head and tail and whether there is any conflict of interests with their corporate. TV viewership ratings have generated immense interest among the people who are the actual stakeholders. The Committee were further apprised that so far ratings were supposed to be pertinent only to the business interests of advertisers and TV channels. Today, it is everybody's case that the rating of TV viewership should preferably be done by independent agencies and that the process should be transparent and that since it was bound to have a say on the scope and schedules of contents of channels, the perspective of larger public interest could not be ignored. Further, initiatives were required by an independent group to examine issues to do with standards, regulation and technology of ratings, because in the context of fast evolving technologies at the viewer end and emergence of a second ratings agency, it was high time that a range of issues involved were further deliberated by those who have been seriously involved in shaping national policies as well as by those who were actually using the ratings. The Ministry concluded that to take a holistic view, the matter has been referred to TRAI for their recommendations.

XV. GRIEVANCES REDRESSAL FORUM

153. The Committee were informed that there was no system of redressal of grievances for either the stakeholders in the industry or for the viewers against the rating agencies.

154. In the above context, when the Committee desired to hear the views of Prasar Bharati, it was replied that as there was no specific forum or regulatory body to redress the grievances and take corrective measures, Prasar Bharati had taken up the issue directly with TAM Media Research and had also apprised IBF that the extant ratings system of TAM Media Research was not representative of the whole audience. It was further stated that IBF had been urged by Prasar Bharati to work towards a more broad based rating system.

155. The Committee then desired to hear the views of IBF on the matter. In reply, it was stated that the system of redressal of grievances for the stakeholders in the industry as well as for the viewing public was an issue which the proposed BARC would urgently tackle and might institute a mechanism, which could be similar to the Consumer Complaints Council (CCC) of the Advertising Standard Council of India (ASCI).

156. Asked to comment upon the mechanism proposed by IBF for the redressal of grievances against the rating agencies, the Ministry of Information and Broadcasting stated that IBF had been in existence since long. However, no view had been taken by it for putting in place a system for regulating the television audience measurement. It was only after the issue was taken up by the Ministry and meetings were called that non-existence of any grievances redressal mechanism had caught the attention of IBF and the formulation of BARC had been proposed. This was still at the proposal stage and the details had not been made available to the Ministry as to what would be the mechanism by which redressal of grievances against the rating agencies could be tackled by BARC. The Ministry, therefore, expressed their inability to make any further comments on the issue.

XVI. GOVERNMENT INTERVENTION

157. During the course of the examination of the subject, the Committee were given to understand that in view of the apparent lack of transparency, authenticity and credibility of the existing system of ratings and the striking apathy of these ratings towards the choice and sensitivities of the viewer, Government's intervention was needed to set the matter right. But IBF in their Memorandum submitted to

the Committee stated that as the industry was spending close to Rs. 50 crore on the rating services with broadcasters picking up most of the costs, there was a burning need for the rating systems to open up their act and agree to industry oversight either directly or through an auditor of repute and experience in this domain. As such, the governmental involvement in regulating the viewership ratings system was not at all desired. Moreover, due to the ratings, viewers were not affected but the stakeholders were. IBF, therefore, was of that view that the Government's involvement in the television ratings system might affect the business environment of the stakeholders.

158. The Committee specifically desired to know how the intervention of Government would affect the business environ of the stakeholders and whether the viewer had not any significance stake in the programmes broadcast. In reply, IBF stated that all content was designed with the viewer in mind. Program content affects ratings and not the other way around. If a particular variety of content appeals to a particular type of audience, it will attract members of that audience, thereby showing high ratings with that audience. It is widely accepted that cricket and films are the two most popular forms of entertainment in India. This is regularly reflected in the ratings that they garner on television. Holding the ratings responsible for audience taste is an inversion of cause and effect. Advertisers base their advertising spends on what the ratings tell them about who is watching what. This expenditure is the principal revenue source for most broadcasters. Advertising and media agencies draw a sizable portion of their revenue from commissions earned on such expenditure. Ratings came into existence to provide an objective yardstick on which the participants in this value chain could base their price recovery. Thus, while rating certainly measured what audiences did, its economic effect was only felt by the three stakeholder communities *viz.* broadcasters, advertisers and advertising agencies.

159. The Committee enquired, having not been successful to make the existing rating system transparent and reliable, how IBF would ensure to stem the rot by the industry alone and without the intervention of the Government especially in view of some Court judgments on the desirability of Government intervention. In reply, IBF stated that while it was clear that the coverage provided by the ratings agencies was inadequate to represent all segments of the television viewing population, there had never been any suggestion of mischief or delinquency about any aspect of their functioning. Media research and planning is a science and best left to be handled by experts. IBF further stated that improved research benefited consumers

through better targeting of messages etc. All the stakeholders in the process: advertisers, advertising agencies and broadcasters, had been seized of the inadequate coverage, opacity and absence of accountability in the current system but there had never been any accusation of any impropriety leveled against them. These three stakeholders, as represented by the three relevant apex industry bodies, accounted for almost all the revenue earned by the two agencies. Once they came together on the common platform of BARC, any ratings agency would ignore them at its own peril. For rating agencies, present and future, BARC in effect would yield both a very powerful carrot and a very big stick: the opportunity of earning or being excluded from significantly larger revenue from a much expanded future panel. IBF also stated that audience measurement was one form of syndicated market research. Its findings were objective, not normative. It did not form or change audience tastes, it only measured and reported on them.

160. In the context of the desirability of Government intervention in the television audience measurement/ratings issues, the Prasar Bharati, responding to a query of the Committee, opined that the industry needed to be regulated so as to protect the interest of all the stakeholders including the viewers.

161. Asked to state categorically the views of Prasar Bharati on the desirability of Government intervention in the viewership ratings system, the CEO, Prasar Bharati submitted during evidence,

“I am definitely of the view that there should be some kind of governmental oversight.”

162. When the Committee desired to hear the views of the Ministry of Information and Broadcasting on the matter, it was replied that the Government did not fully agree with the views of IBF that there should be no Government intervention in the ratings matter and that the industry should be left to sort out the issue among themselves. It was further stated that broadcasting services and ratings system were now more than a decade old in India, yet the deficiencies had not been addressed which necessitated Government intervention so that the rating system was made more transparent, representative and realistically responsive to public opinion. Therefore, TRAI being an organisation with the expertise in the broadcasting sector, had been requested to give their recommendation on the matter.

163. Commenting on the matter, TRAI stated that the issue was at the centre of their consultative process on the subject and the Authority would soon be finalising the recommendations in this regard.

XVII. REFERENCE TO THE TELECOM REGULATORY AUTHORITY OF INDIA (TRAI)

164. After the Committee took up the subject for examination and had its first preliminary meeting with the Ministry of Information and Broadcasting on 8 January, 2008 and pursuant to the concerns expressed by the Parliamentarians, media, consumer groups, broadcasters etc. the Ministry wrote a letter on 17 January, 2008 to TRAI requesting the Regulatory Body to give their recommendations on evolving a foolproof ratings system and various aspects relating thereto which included minimum sample size, type of equipment, minimum coverage, international practices, etc.

165. In the above context, the Committee desired to be apprised of the exclusive or concurrent jurisdiction and the exact role and responsibility of TRAI over broadcasting and related services in the Country. In reply, TRAI stated that the TRAI Act as originally enacted in 1997, covered only telecommunication services. It was only in the year 2000 that the Act was amended to give the powers to the Central Government to notify any other service also (including broadcasting service) as “telecommunication service” to enable TRAI to regulate that service from the date of such notification. The chronology of events was stated to be as follows:—

- (i) Pursuant to this Amendment, the Central Government issued a notification on 9th January, 2004, declaring broadcasting services and cable services as “telecommunication services”, whereby TRAI got the powers to regulate this sector also.
- (II) Section 11 of TRAI Act lists the functions of TRAI. Section 11(1)(a) details the issues on which TRAI can make recommendations (either *suo moto* or on request from GoI, while Sections 11(1)(b) and 11(2) list out the functions which TRAI has to discharge itself.

The functions which fall within the domain of TRAI are:

- (a) Tariff fixation for broadcasting & cable services as well as telecom services.
- (b) Interconnection among service providers.
- (c) Quality of Service benchmarks at consumer end.

166. The Committee were further informed that unlike the telecom sector where TRAI was able to lay down the regulatory roadmap and nurture the sector right from the time this sector was opened up, the broadcasting & cable TV sector had proved to be more difficult because regulatory powers were given quite late only in 2004, by which time

substantial legacy problems had taken deep roots. These legacy issues were mainly the following:—

- (i) High level of fragmentation (approximately 50000 cable operators and approximately 6000 Multi System Operators) in cable TV segment resulting in inability to generate sufficient funds for network upgradation.
- (ii) Lack of competition in the last mile cable TV operations.
- (iii) Lack of addressability leading to uncertainty about subscriber base, which in turn leads to uncertainty about revenue streams, thus discouraging fresh investments.

167. Asked to state the action taken by TRAI to overcome the above legacy problems and effectively discharge their responsibilities, it was replied that TRAI had embarked upon a three-pronged strategy to ensure the growth of the broadcasting sector. Such strategy included bringing the consumer at the centre of the regulatory framework; encouraging competition within and across different delivery platforms such as cable TV, DTH, IPTV, mobile TV and HITS; and bringing about addressability which would remove the uncertainties about the business models.

168. The Committee were informed that learning from the telecom experience, TRAI had several initiatives in the Broadcasting & Cable TV sector which are expected to result in substantial growth of this Sector and generate sufficient competition.

169. The Committee then desired to know from TRAI whether the reference made to them was under any Section of the TRAI Act, 1997. In reply, the Chairman, TRAI submitted during evidence,

“.....In 2004 when the Government said to treat broadcasting also as telecom, then the carriage aspect; that is how the inter-connection will come; how the transmission of DTH, Cable TV will come into home, those aspects like telecom were all part of TRAI. The content which Government by the advertisement and programme code of the Cable Act of the Information & Broadcasting Ministry was not entrusted to us. This subject matter is relating to content..... I would like to draw your attention to the fact that the Government did not write the letter under any Section of the TRAI Act and for obvious and correct reason. The reason was that this subject basically falls in the content domain. TRAI is responsible as per the Act, for the broadcasting services which primarily mean carriage aspect of the broadcasting.....”

170. The Committee asked the Ministry about the rationale behind seeking the recommendations of TRAI on a matter outside the Authority's domain. The Committee also asked whether any legal opinion was obtained before making the reference. In reply, the Ministry of Information and Broadcasting stated that the television audience measurement had a direct impact on competition in the broadcasting sector, which was clearly in the domain of TRAI. Even in the consultation Paper floated by it, TRAI had specified that Section 11 (i), (iv) and (vii) of the TRAI Act, 1997 had been invoked for exercising their powers. Thus, TRAI had domain over the competition issues and, therefore, the Ministry had rightly made a reference to it.

171. When the Committee drew the attention of TRAI to the above reply of the Ministry, the Chairman, TRAI responded during evidence,

"The reason for that was, there was a very strong opinion in the Authority that this reference should be returned to the Government because it is not our domain. We just examined and thought perhaps it would not be appropriate. Since, we are an expert body we must do justice. It is a national cause and somewhere it is concerned with the consumers, subscribers. We found two sections; sub-sections (iv) and (vii)."

172. Referring to the Chairman, TRAI's statement that as the reference to TRAI was not covered under the provisions of the Act, it could well have been returned to the Government, the Committee wanted to hear the views of the Ministry. In response, the Secretary, of the Ministry stated during evidence,

".....When we decided to refer the matter to TRAI, when we looked at the TRAI provisions, we in our judgement, thought that this would be actually adequate to allow us or to enable us to refer the matter to TRAI. To the best of my knowledge the TRAI has not ever formally sought that these are not adequate provisions. But, we understand that such a thought or suggestion has come. We definitely would like to look at it. I think we do take your suggestion into account that we need to look at it so that in future the TRAI is able to do so without any difficulty."

173. On the content issue, the Chairman, TRAI stated that all over the world the telecom regulator remained responsible for both transmission and content aspects of broadcasting. He further submitted during the oral evidence,

".....We have also written to the Ministry of Information and Broadcasting, rather than creating a separate regulator to please give the content also to TRAI ".

174. The Committee asked the Ministry whether TRAI should be entrusted with the content regulation also. In reply, the Secretary of the Ministry stated,

“Once we bring in this Bill (Broadcasting Bill), once the provisions of the Draft Bill are in place, we will have a Regulator. That will bring in clarity on how the content is to be regulated.”

175. Asked to spell out the sanctity and enforceability of TRAI’s recommendations in view of the grey area on the Act, the Chairman, TRAI replied during evidence,

“The TRAI Act is very well drafted. There are two sub-sections in which reference are made. If the Government seeks recommendations under those sub-sections, the recommendations given by TRAI generally have to be accepted. If the Government decides to differ with it, then it is mandatory that the Government will send back the recommendations to us pointing out the reasons for difference and it will require that the Authority shall in 15 days time send its reconsidered recommendations. They (TRAI) can reiterate their earlier recommendation also. After that the Government is totally free to decide on it. There is no limit on it. In other sub-sections, the recommendations are sent to the Government and the Government is fully competent and no second reference is required.”

176. On the same issue, the Ministry of Information and Broadcasting stated that so far as the enforceability of the recommendations of TRAI was concerned, the Government could accept or reject any of its recommendations after following due procedure. In any case, this being a policy matter, the Government could always enforce any such objective to promote competition in the broadcasting Sector.

XVIII. PERFORMANCE OF THE MINISTRY

(i) Policy Guidelines

177. The Committee were informed that no policy guidelines had been laid down by the Ministry of Information and Broadcasting on the scope, ambit and functions of the agencies involved in the television viewership ratings. However, a reference had been made to TRAI seeking their recommendations on the matter.

178. In the above context, the Committee desired to be apprised of the reasons for not putting in place a comprehensive policy/guidelines on the issues concerning TV audience measurement in India. In reply, the Ministry stated that hitherto ratings system remained unregulated and no policy/guidelines were laid down by the Ministry as the ratings system was a business activity and the Government did not normally

interfere in business activity unless a larger public interest was involved. The Ministry felt that the industry would take corrective action on its own to make it more broadbased and representative. The Ministry further stated that the broadcasting sector had started growing in the last five to ten years and it was only recently that concerns regarding the alleged manipulation in TV audience measurement started being voiced at various fora. Therefore, before coming out with a comprehensive policy/guidelines on these issues, the Government thought it prudent to seek the recommendations of an expert body like TRAI.

179. The Committee drew the attention of the Ministry to the statement of IBF that the stakeholders and not the viewers were affected due to the prevalent rating system which did not form or change audience tastes. Citing the Ministry's statement that the Government did not interfere in business activities unless a larger public interest was involved, the Committee asked whether the Ministry subscribed to the IBF's minimum importance to the viewers and whether the neglect of the viewers in the viewership ratings system did not involve larger public interest. In reply, the Ministry stated that the Government did not agree with the views of IBF and in fact the viewer was the biggest stakeholder as he was the helpless consumer of the media diet served to him based on the choice of a very few segmented people meters. It was further stated that concerns had been voiced over the increasing violence, obscenity, destruction of Indian culture, value and system in the programmes being aired by the TV channels. Therefore, the Government felt it necessary to increase the sample size and bring some kind of sanity in the ratings system to safeguard the interest of the viewers. It was in this context that the Ministry requested TRAI to give its recommendation.

(ii) Broadcasting Legislation

180. During the course of the examination of the subject, the Committee were informed that although the Ministry had almost prepared 20 drafts to bring a broadcasting regulatory legislation, yet somehow the Bill had not seen the light of the day.

181. In the above context, the Committee desired to be apprised of the reasons for the Ministry not being able to bring about a broadcasting legislation and the efforts made by them to ensure a transparent and an effective oversight of the broadcasting sector. In reply, it was stated that the Ministry of Information and Broadcasting had been examining the issue of introducing a legislation to regulate the operation of broadcasting services consequent upon the judgement of the Supreme Court in the Cricket Association of Bengal case delivered in 1995 that airwaves are public property and have to be controlled and regulated by public authority in the interest of the public.

182. The Broadcasting Bill of 1997 was introduced in the Parliament but lapsed. The Communication Convergence Bill, 2001 was introduced but even this lapsed due to the dissolution of the Thirteenth Lok Sabha. In 1995, the Cable Television Networks Act was brought in to regulate the cable business and their operations. Most of the other required regulations in the sector were being accomplished by issuing guidelines such as those for Uplinking TV channels, DTH, FM Radio, Community Radio and Downlinking etc.

183. Thereafter, attempts have been made to formulate a new draft Broadcasting Services Regulation Bill for which drafts have been discussed with various stakeholders on a number of occasions and last such formulation has been made available on the website of this Ministry (www.mib.nic.in). However, no consensus has been reached so far. The discussions were reportedly continuing and after the receipt of comments from States/UTs, a further view would be taken.

184. When the Committee desired to know the details of the reference and the status of the response of various States/UTs, it was replied that after the 26th Conference of State and UT Ministers of Information and Cinematography (SIMCON XXVI) held on 18-19 September, 2007 wherein the proposed Bill was discussed with the States' representatives, the Minister of Information and Broadcasting addressed a letter on 9 October, 2007 to all Chief Ministers of States/UTs. This was followed by a letter from Secretary MOI&B to Chief Secretaries of all State/UT on 7 November, 2007 seeking comments of the States/UTs Governments. Last reminder at the level of Secretary, MOI&B was reportedly sent on 3 June, 2008.

185. Asked to furnish the response of the States/UTs, it was replied that so far only 10 States/UTs have sent their comments on the proposed draft of the Broadcasting Services Regulation Bill.

(iii) Content Code

186. The Committee were informed that there had been a tendency to use titillating clippings to attract more eyeballs which in turn gave higher ratings to such programmes which were denigrating the Indian ethos and culture. The Committee were further informed that the Ministry of Information and Broadcasting had constituted a committee to preview the existing Programme and Advertising Codes and the draft Content Code formulated by this committee laid significant emphasis on the above issues in a more stringent manner.

187. In the above context, the Committee desired to be apprised of the status and salient features of the proposed Content Code. In reply, it was stated that the committee constituted to review the existing Programme and Advertising Codes under the chairmanship of Secretary (I&B), had submitted its report to the Government in March, 2008, a

copy of which was also placed on the website of this Ministry (www.mib.nic.in). Salient features of the report named Self-Regulation Guidelines for Broadcasting Sector-2008 were as under:—

- (i) These are in the form of principles, guidelines and ethical practices to guide the Broadcasting Service Provider (BSP).
- (ii) It will introduce greater specificity and detail with a view to facilitate self-regulation.
- (iii) Two tiers of self-regulation—BSP and Industry level with appellate mechanism.
- (iv) BSP will categorize each of their programme based on its theme, subject-matter treatment, language and audio-visual presentation and slot it accordingly.
- (v) BSP will take reasonable steps to protect minors. They should be vigilant in gaining an understanding of how material shown on television could impact the development of minors.
- (vi) Categorization of all programmes under 'U', 'UA' and 'A' with "watershed" hours between 11.00 PM to 4.00 AM.
- (vii) Themes addressed are: Crime and Violence; Sex, Obscenity and Nudity; Horror and Occult; Drugs, Smoking, Tobacco, Solvents and Alcohol; Libel, Slander and Defamation; Religion and Community; Harm and Offence; Advertisements; General Restrictions.
- (viii) Separate Chapter on News and Current Affairs Programming.

188. Asked to state the efficacy of the Content Code in checking fictitious television viewership ratings of obscene, vulgar and objectionable TV programmes and the consequent denigration of the Indian culture, it was replied that the issue of television ratings was not addressed in the Content Code, however, when implemented, the Content Code would, to a large extent, address the issues of obscenity, vulgarity and denigration of Indian culture in the TV programmes.

189. When the Committee specifically desired to be apprised of the monitoring mechanism evolved by the Ministry for effective enforcement of the Content Code, the Ministry of Information and Broadcasting replied that the Content Code was envisaged to be a part of the Broadcasting Services Regulation Bill which *inter alia* aimed to establish an independent regulator for the Broadcasting Sector, namely, Broadcasting Regulatory Authority of India which could effectively monitor the enforcement of the Content Code. It was further stated that a three tier monitoring system was proposed. The first is at the level of the channel itself. The channel was expected to monitor content and self-regulate and also address complaints related to content.

It was required to appoint a content auditor for this purpose. In case a complaint was not addressed at the level of the channel itself, the complainant could go to a peer body to be set up by Broadcasting Associations like IBF, IMG, NBA, etc. The third level was stated to be that of the Regulator. The Ministry had also set up a 'state of the art' facility in the form of Electronic Media Monitoring Centre to monitor the content of private TV channels on a 24 hour basis. This set up had been recently commissioned and was likely to be made fully functional in the near future. Based on this, the Ministry could *suo moto* take action for violation of the Content Code.

(iv) Invoking Legal Provisions

190. In view of the alleged negative impact of the extant television viewership ratings upon the programme content, the Committee asked whether the Ministry was contemplating suitable action against the broadcasters/channels by invoking the Cable Television Networks (Regulation) Act, 1995. In reply, it was stated that as far as regulation of content was concerned, the Ministry had been taking action against the channels under the provisions of Sections 5 and 6 of the Cable TV Networks (Regulation) Act, 1995 from time to time for content violation. However, the broadcast audience measurement services did not get covered under the aforesaid section of the Act and therefore, it was mentioned that this sector was unregulated.

191. The Committee drew the attention of the Ministry to the fact that apart from the provisions contained in the Cable Television Networks (Regulation) Act, 1995, the Government have also been adequately equipped under various other Acts *viz.* the Indecent Representation of Women (Prohibition) Act, 1986; the Consumer Protection Act, 1986; the Cinematograph Act, 1952; the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954; the Emblems and Names (Prevention of Improper Use) Act, 1950; the Prevention of Food Adulteration Act, 1954; the Prize Competitions Act, 1955; the Copyright Act, 1957; the Drugs and Cosmetics Act, 1940; and the Pharmacy Act, 1948, etc. to take care of the broadcast content violations of various types.

192. In light of the above facts, the Committee asked about the action taken by the Ministry in the last three years under various extant legal provisions to curb content violation. In reply, it was stated that the Ministry of Information and Broadcasting did not oversee the implementation of all the Acts mentioned above except the Cinematograph Act, 1952. However, the Ministry had taken action under some of the provisions of these Acts which have been incorporated in the Cable TV Act; for example Rules 6(1)(k) of the Cable TV Rules, 1994 relating to denigration of women through depiction of her figure, form or body, etc. was contemporaneous with the provisions of the Indecent Representation of Women (Prohibition)

Act, 1986. Similarly Rule 7(1) stated that advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers. Rule 7(4) of the Cable TV Rules, 1994 referred to Consumer Protection Act, 1986 and Rule 7(5) made reference to special or miraculous or super natural qualities of products advertised, which again was contemporaneous with the provisions of the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.

193. It was further stated that during the years 2005, 2006 and 2007, 221 show cause notices were issued to various channels and action (orders/advisories/warnings/scrolling of apology) was taken in 67 cases.

194. The Secretary, Ministry of Information and Broadcasting submitted during evidence,

“I would like to mention here that even now, under the present legislation also, the Ministry of Information and Broadcasting does take cognizance of the content and it does take *suo moto* action under the rules framed under the Cable Act. We have formed an Inter-Ministerial Committee which takes cognizance of the complaints that are received and action is taken on the basis of its recommendations. I would like to report that seven channels have been taken off the air permanently, four were barred for a specific period of warning and advisory or scrolling of apology orders were issued in 78 cases. But we would like to strengthen our hands. That is why, we have proposed the Content Code which amplifies or gives more details to the Advertising as well as the Programme Codes.”

195. She further stated,

“.....We are all concerned with the content being shown on television and various things are contributing today including the fact that there is no regulation, there is no content monitoring.....so, we do feel that there is a need to bring in some kind of regulation. We have drafted a Content Code and we have drafted a Broadcasting Services Regulation Bill. It is under discussion with various stakeholders and we hope that it can be put into effect soon..... The Electronic media Monitoring Centre will assist us in monitoring and taking action on whatever we find is not in keeping with the Advertisement Code and the Programme Code.”

196. The Committee queried about the need for a fresh legislation when Advertisement, Programme and Content Codes were already existing. In reply, the Secretary, Ministry of Information and Broadcasting stated,

“It will further strengthen our hands.”

197. Supplementing the Secretary, another representative of the Ministry of Information and Broadcasting submitted,

“There are no penal provisions which are backed by the authority of law. Apart from taking the channel off air, which is a very extreme step, we are giving them advisories and warnings and scrolling of apologies, but the trend is, they are going to court and challenging these things by saying that the Government does not have the power to do so.”

198. The Secretary, Ministry of Information and Broadcasting added,

“The present Act does provide Clause 5 wherein we have the provision for Programme Code and under Clause 6 an Advertisement Code. Under the rules framed under this Act there is an inter-Ministerial Committee in the Ministry that looks into complaints or it takes *suo moto* action. But there are certain limitations. The Programme Code and the Advertisement Code are not elaborate enough, do not cover all aspects nor detailed enough nor specific enough. Moreover, there are limitation on the penal provisions.”

199. Not convinced, the Committee drew the attention of the Ministry to Section 16 of the Cable TV Networks (Regulation) Act, 1995 and asked about the provisions contained therein. The representative of the Ministry replied,

“It deals with punishment for contravention of provisions of the Act which is imprisonment and fine.”

200. The Committee, then, pointed out that when there were already penal provisions in the Cable TV Networks (Regulation) Act, 1995 itself, what was the need for further penal provisions. The representative of the Ministry replied,

“Punishment for this contravention or penalty can be enforced through the court of law only.”

201. Another representative of the Ministry submitted,

“On the limited question of applicability of Section 16, actually, this whole Act is essentially applicable to the cable operators. The offence is done by actually the broadcast service providers, that is the channels. So there is a legal problem in invoking Section 16.”

202. The Committee retorted that the Ministry were not hamstrung in any way in taking action against the cable operators and would not the action against the cable operators ultimately affect the broadcasters/ channels. In reply, the representative of the Ministry stated,

“Indirectly, I agree with you.”

203. The Committee, then, asked whether the Ministry were trying to say that the extant penal provision in the Cable TV Act was inadequate and they were trying to make it more comprehensive through the Broadcasting Bill. In reply, the Secretary, Ministry of Information and Broadcasting, submitted,

“Yes. That is the right position. We are making it more comprehensive.”

204. The Committee enquired whether framing some fresh rules, till such time the draft Bill was finalised, would not be the easiest possible method to deal with the contraventions extant of the Content Code. The Secretary, Ministry of Information and Broadcasting replied that, it was exactly on the same lines in which the Ministry was working. Another representative of the Ministry supplemented,

“.....There are a plethora of Acts, regulations and guidelines. Some of them have got the strength of the legislation and law behind them. Many are administrative decisions and administrative regulations..... They have an inherent weakness that they are not legislation, which the Hon. Chairman has pointed out and we really need to do that. We are actually in the process of doing this. In fact, we are in the process of notifying it.”

205. In response to a suggestion of the Committee that while framing rules the Ministry ought to keep in mind the fact that such rules were made equally applicable to both big and small broadcasters/channels/operators, the Secretary of the Ministry stated,

“Well, in any policy that we frame we will definitely keep this in mind.”

206. The Committee, then, pointed out that although the system of television audience measurement in India had been in existence in some form for about one and a half decade, yet no effort had been made by the Ministry of Information and Broadcasting to look into the validity of the system till this Committee decided to examine the subject. The Secretary, Ministry of Information and Broadcasting responded,

“Sir, we completely agree with your observation and we are thankful to the Committee.”

207. Asked to state specifically, whether the Ministry should have taken some action much before, the Secretary, Ministry of Information and Broadcasting admitted,

“I agree, Sir.”

PART II

OBSERVATIONS/RECOMMENDATIONS

I. INTRODUCTORY

1. Amongst the innumerable inventions by mankind, television with its presence in billions of homes and establishments, is indisputably serving as the greatest tool for information and knowledge dissemination and entertainment. In the Indian context where the Entertainment and Media (E&M) Industry is showing an overall compoundable growth of 18 per cent, a rate much higher than the growth rate of economy, the television is the bulwark of revenue generation, with about 360 channels and 120 million TV homes (2007 estimates). The Committee note that as per the industry estimates the size of E&M Industry in India was Rs. 51,300 crore out of which Rs. 22,600 crore or 40 per cent is the contribution of television segment. Out of Rs. 22,600 crore, advertising on television alone contributes Rs. 8,000 crore. The Committee have been given to understand that as per industry estimation, the E&M Industry would more than double to Rs. 1,15,700 crore by 2012. The television advertising figures would also reportedly increase by two and a half times to Rs. 20,000 crore. With such impressive industry growth projections, the system of television audience measurement/ television ratings points called TAM or TRP in common parlance, which have been in existence on a commercial basis in the country since 1993, have acquired added significance. This is due to the fact that rightly or wrongly, the advertisers, the broadcasters and the production houses *i.e.* the three key players in the broadcasting services, construe the television viewership ratings as an indication of the viewers likes and dislikes. The reported increase of 29 per cent in the number of advertisers on TV between 2003 and 2007, the increasing number of channels, the options of various delivery platforms, the technological innovations and friendly policy environments have further intensified the competition and clamour to retain the viewers by the broadcasters and advertisers. As the ratings paradoxically are now determining the spending pattern on advertisements, programme scheduling and content besides influencing the pricing of channels, little heed is being paid to the viewers interest.

2. The Committee find that initially the only data available and followed for viewership ratings was collected by Doordarshan's Audience Research Unit through its 40 Kendras and 100 All India Radio Stations. This was known as Doordarshan Audience Ratings (DAR). Such collection of data through DART commenced in 1988,

continued upto 2001 and was later revived in 2004. So far as the entry of private agencies in the field of audience research in India is concerned, the Indian National Television Audience Measurement (INTAM) was established in 1994 for conducting television ratings. Another rating agency called TAM Media Research was formed in 1998. In 2001, both INTAM and TAM Media Research were formally merged. In 2004, another private rating agency namely the Audience Measurement and Analytics Limited (a-Map) came into existence but its commercial operations started only in February, 2007. Thus, TV ratings on a commercial basis are now being done in India by the two private agencies *i.e.* TAM Media Research and a-Map. This very commercial angle of the ratings has become a subject of much concern and debate. The Committee's examination of the subject through several study visits and a series of interaction with the Ministry of Information and Broadcasting, the Telecom Regulatory Authority of India, Prasar Bharati Broadcasting Corporation, the Indian Broadcasting Foundation, eminent TV and film personalities, other stakeholders as well as the agencies involved in ratings, has revealed several grey areas in the extant audience measurement system that *inter-alia* include lack of transparency, authenticity, credibility, objectivity and competition with scant respect to the likes and sensitivities of the viewing public. These have been commented upon in the succeeding paragraphs.

II. AIMS AND OBJECTIVES OF TELEVISION VIEWERSHIP RATINGS

3. The main aims and objectives of the ratings system are to indicate the popularity of the TV channels, provide information about the TV viewing habits of the viewers from different socio-economic background and to help advertisers and corporate media planners in selecting the right media at the right time to reach the targeted audience. But the Committee are highly concerned to note that due to various shortcomings, which have been explained in detail subsequently, the extant viewership ratings carried out by the agencies do not appear to conform to the aims and objectives for which the system has been evolved. Briefly put, there is inadequate representation of the plurality of the platforms, regions, rural areas and small towns to reflect a correct picture. Then, there is lack of transparency and reliability in the methods adopted by the rating agencies for selection of the households as they maintain confidentiality of the ratings data which may promote induced viewership and data tampering. The Committee also find that there is every possibility of biased ratings due to the presence of the interested parties in the ownership of the rating agencies, absolutely no competition in the rating services and non-availability of real time ratings through unobtrusive means. The absence of any independent audit of the methodology adopted by the rating agencies also acts as a detriment to the aims and objectives of the ratings

system. Most importantly, the likes, dislikes and interests of the viewers largely remain unaddressed by the extant ratings system. The Committee are surprised to observe that although the extant ratings system has been in existence for more than a decade and half, yet it does not conform to the aims and objectives because of the above said serious lacunae. They, therefore, exhort the Ministry of Information and Broadcasting to put some effective mechanism in place in consultation with all the stakeholders including the industry, to overcome the impediments narrated above so that the extant ratings system takes care of the interests of all the stakeholders including that of the viewers, complying thereby with the aims and objectives of TV ratings.

III. COVERAGE

4. In so far as the reach and spread of rating studies is concerned, the Committee note that TAM Media Research conducts its rating studies in all the States except Jammu and Kashmir, Bihar, Jharkhand and the North-Eastern States a-Map covers all the States barring those in the North-East. So far, TAM Media Research has covered 148 towns having population of more than one lakh and a-Map has covered 87 towns on similar population criterion. What greatly perturbs the Committee is that both the rating agencies have no coverage whatsoever of the rural areas which account for 70 per cent of India's population. The Ministry of Information and Broadcasting, the Telecom Regulatory Authority of India, Prasar Bharati and the Indian Broadcasting Foundation in their deposition before the Committee have also expressed similar concerns. Even one of the rating agencies has been candid enough to admit that both of them leave a large part of India, particularly rural India, uncovered. The other agency has cited resource constraints as a reason for the non-coverage of all the States and the rural areas. The Secretary, Ministry of Information and Broadcasting, during the course of oral evidence has informed the Committee that TAM Media Research has informed that it is going to shortly commence ratings in Bihar, Assam and Jharkhand. The Committee feel that the ratings system can neither be comprehensive nor foolproof without covering all the States and most importantly without reflecting the preferences of rural India. Even if all States are covered by the two rating agencies, their system with its strong urban bias would continue to remain questionable, as it would not reflect the choice of the rural audience. The Committee, therefore, recommend that some via media should be explored by the Ministry to ensure adequate coverage of the rural areas in the Country by the existing two rating agencies and those who may join in future. This would not only eliminate the pronounced urban bias of the sample but also make the ratings truly reflective of the viewing preferences of a cross section of viewers of the Country.

IV. METHODOLOGY AND SAMPLE

5. The Committee note that as of now the rating data generated by viewers is collected by the two rating agencies through electronic devices placed in selected households in a few urban areas of the Country. This electronic device, which is attached to the television, automatically records the data required to indicate viewers preferences. The size and contours of the sample are determined with the help of educational standards, socio-economic and socio-cultural groupings, demographics, cable and satellite channel penetration, availability of terrestrial channel, household size, time spent on watching television, channels watched, power cuts, cable operators charges, etc. The devices used by both TAM Media Research and a-Map are analog and digital technologies compatible. As of now TAM Media Research has about 7000 devices installed in households in 148 towns having population of 1 lakh and above. Similarly, a-map has about 6000 devices in 87 towns with a population of 1 lakh and above. In the case of TAM Media Research, some households have two devices installed as they have more than one TV. As stated previously, both agencies do not cover several States and the entire rural India. Sample size-wise coverage of the 1.13 billion population of the Country works out to about 0.005 per cent. The Committee can very well imagine how reflective and truthful such a minuscule sample size can be of a Country as socio-economically diverse and large as India.

6. Coming to the rotation aspect of the household, in the sample TAM Media Research does not have any clear cut procedure for rotation of sample households. a-Map does have a rotation policy of 10 per cent households being rotated every six months. Meaning, thereby, that they would take atleast 5 years to rotate the original sample. The Committee are sure that such a situation is not at all conducive to a vibrant, impartial and comprehensive sampling and the research data sanctity in such circumstances cannot be ensured. Apart from it, this very small sample size limits the reflection of plurality of platforms, regions, rural areas and small towns, etc., by excluding almost 70 million of the 120 million TV homes. The extant measurement methods are inadequate to cover the new technologies like, digital TV, HDTV, interactive television and digital video recorders. Resultantly, the ratings are distorted, the broadcasters and others fix with these distorted ratings due to TINA factor has made the monopolistic tendencies of one of the players flourish unrestricted. It has also encouraged creation of barriers and use of various unfair and anticompetitive measures to distort the competition.

7. The Committee also note a serious drawback in the present measurement system. The reporting of data by TAM Media Research

is on a weekly basis. a-MAP's reporting is done on overnight basis and is in consonance with the rating practices in several other Countries. The Committee also note that the present trend in the world is way ahead with a system of real time ratings through unobtrusive means being in vogue. All the above narrated facts lead to the conclusion that the methodology and sample of the ratings agencies operating in the Country is deficient on several counts including abysmally low size of sample, outdated methodology, lack of representative character, elements of manipulation, lack of reliability and transparency and a disdain for the socio cultural ethos. The Committee, therefore, recommend that the Ministry should take immediate steps to not only eliminate the shortcomings in the extant ratings system but also ensure that it is in tune with the best in the world.

V. COMPATIBILITY OF EXTANT RATING TOOLS WITH THE EMERGING TV VIEWING TECHNOLOGIES

8. The Committee observe that although a-Map has claimed that its technology is capable to handle free-to-air, cable, CAS and DTH modes of television reception, yet according to Prasar Bharati the rating systems presently being used by TAM Media Research and a-Map are not in sync with the new/emerging technologies such as Digital TV, HDTV and IPTV. The Regulatory Authority has also opined that new technologies like portable people meter and Return Path Data which are getting introduced, should also be taken advantage of by the rating agencies to ensure that the emerging technologies/delivery platforms being made available for television viewing are also measured. The Committee feel that if the ratings systems do not keep pace with the emerging new technologies/delivery platforms, they would not be able to cover the viewers through different platforms. Such inadequacy of the measurement methods to capture new television viewing through HDTV, IPTV, etc. will only lead to distortion of the ratings system. The Indian Broadcasting Foundation has also expressed similar views. The Committee, therefore, recommend that in view of the pressing need for making the ratings systems compatible with the emerging technologies, the rating agencies should use such technology, which is capable of capturing data over different platforms, as mentioned above so as to ensure a holistic view of the viewers preferences. It is also imperative that the measurement devices are continuously upgraded in tune with the changing scenario.

VI. MONOPOLY

9. The Committee note that the television audience measurement system in India has not been regulated so far and as such there are no restrictions on the entry of new agencies to undertake rating of television viewership. Intriguingly, however, there is a virtual

monopoly in the extant ratings industry. According to the Ministry, apart from the prohibitive cost of equipment/rating meters, the other major reasons for more entities not entering the system reportedly appear to be the entry barriers, use of various unfair and anti-competitive measures by the existing players, apprehensions in the minds of the broadcasters, etc. Prasar Bharati is of the opinion that the industry has so far preferred to maintain *status quo* and not been inclined to encourage the new players. As a result, there is always a skewed picture of the ratings done, which helps the cable and satellite channels in getting a larger share of the advertising pie. Prasar Bharati has also opined that cross holdings by the stake holders in the bodies that make up the rating agencies is another reason why the new players are likely to face unfair barriers. According to IBF, the broadcasters themselves are not satisfied with the existing monopoly in the ratings system. The Ministry's statement that they have taken *suo moto* measures to motivate new players to come in the field of TV ratings does not convince the Committee because in a span of fifteen years, only two players have entered the field. Most importantly, the second player started its rating studies as late as in 2007. The Committee, therefore, recommend that instead of leaving things to take their own course, the Ministry in tandem with the industry and all other stakeholders, should resort to effective measures to address the above said impediments that discourage the new players to enter the rating studies so that there is sufficient competition and the system becomes fair and truly reflective of the viewers' choice.

VII. TRANSPARENCY/RELIABILITY/AUTHENTICITY OF THE RATINGS SYSTEM

10. According to some eminent TV and Film personalities, with whom the Committee interacted during their study visits to different places, electronic people meter system devised and used by the rating agencies is not transparent, reliable and authentic as it is secretly placed in a select few households in major urban areas. The Ministry of Information and Broadcasting are also of the same view. The two rating agencies claim that the system adopted by them is transparent from an operational point of view although they do not reveal the household names or addresses where the people meter is placed. Both the rating agencies admitted before the Committee that they presently do not follow any well laid down system of frequent rotation of people meter homes. One of the rating agencies agreed albeit reluctantly before the Committee that it gives inexpensive gifts, as a token of its gratitude to the people in whose houses meters are installed. The Committee find that the Ministry, despite in agreement over the lack of transparency in the extant ratings system, have done nothing concrete to bring in transparency except referring the matter to TRAI. The Committee cannot but express their serious displeasure

over the lack of transparency, reliability and authenticity persisting in a system, which has been in vogue since the last one and a half decade. The Committee feel that although revealing the household names or household addresses where people meters are installed may impede the rating studies, yet disclosure of the data and methodology/process adopted by the agencies for the system, in detail and in clear terms, to the clients, users and the public is, imperative for fair and transparent studies. The Committee also desire that periodical rotation of the panel homes by the rating agencies should be adhered to for conducting objective and unbiased ratings. Moreover, in order to bring in transparency and to make the whole system encompassing, reliable and authentic, the rating agencies, besides disclosing the sample selection and size, the frequency of the panel home rotation and the margin of statistically acceptable error, should also acknowledge and highlight the comments and view points of the users of the rating data as well as that of the viewing public.

VIII. IN-HOUSE RESEARCH IN PRASAR BHARATI

(i) *Doordarshan Audience Ratings (DART)*

11. The Committee note that Doordarshan has its own Audience Research Unit (ARU) since its inception with the objective of providing research inputs, planning and broadcasting need-based programmes and improving the effectiveness and usefulness of these programmes to the people of the Country. The Unit conducts pre-telecast and post-telecast studies *viz.* Audience profile and assessment, viewership surveys, evaluation/impact studies as per the requirement at the Directorate and Kendra levels. In addition to the above research works, the Unit undertakes analysis of voluntary feedback received through viewer's letters, press comments, preparation of programme composition, Annual Reports, etc.. The Committee find that the ARU conducts television ratings only for Doordarshan channels in both the rural and urban areas with the help of the representative samples. Doordarshan is, however, utilising the data of both its in-house audience research as well as of private agencies to meet its requirements of ratings. The Committee feel that a greater caution should be exercised by Doordarshan while utilising the data of the private agencies in the fulfilment of its own requirement of rating studies, because the methodology adopted by the private rating agencies is allegedly not above board and purely commercial in nature, besides suffering from a number of shortcomings, as discussed earlier. The onus, therefore, lies with the Ministry and Prasar Bharati to bring in some kind of synergy to ensure that Doordarshan is not deceived while utilising the data of the private agencies and its audience research system becomes broad based.

(ii) *Methodology of DART*

12. The Committee observe that in DART, daily viewership data is collected through diary from representative panel members covering both rural and urban audience of the Country. In order to disseminate the television ratings, the reports by the in-house research unit are prepared on weekly basis at the Kendra level and submitted to the concerned Kendras as well as the Directorate for use by the programme planners, producers, policy makers and marketing managers to plan commercial broadcast and to improve the quality of the programmes. This panel diary system is reportedly cheaper, transparent and reliable and as useful as the people meter system from utility perspective. So far as the accuracy of the measurement is concerned, the Committee are informed that the panel diary system lags behind the people meter system, which records viewership data minute by minute procured through latest software for analysis and reporting. However, the Committee find that although the people meter system gives accurate measurement, yet it is reportedly not foolproof, too costly to be acquired by a single broadcaster and too complicated for the layman's understanding unlike the panel diary system. As discussed elsewhere, the people meter system lacks transparency as it is not open to the broadcasters/user agencies or any other agency including the Government besides promoting television media's role for commercial gains. Thus, in nutshell, the panel diary system adopted by Doordarshan, despite its limitation in accuracy, is miles ahead of the people meter system on issues of transparency, reliability and authenticity. The best aspect of the system is that it penetrates the rural areas and keeps in view the television media's role in larger public interest. The Committee are, therefore, of the view that efforts should be made to explore the possibility of making the studies of the panel diary system as accurate as the people meter system, if it is at all so, failing which Prasar Bharati and the Ministry should chalk out an alternate method containing all the positive features already existing in DART plus the accuracy of measurement factor making the ratings system of Doordarshan the best one.

(iii) *Tie-up with the Private Agencies*

13. The Committee note that Doordarshan pays Rs. 1.60 crore annually to TAM Media Research for supply of television ratings on weekly basis for urban audiences of cities/towns having more than one lakh population and covered by the agency. Although Prasar Bharati is on record that the ratings of TAM Media Research are highly prejudiced against Doordarshan channels and programmes, yet it has tied up with TAM Media Research for getting feedback on ratings studies of urban areas. One of the main reasons for the compulsion on Prasar Bharati to have a tie-up with TAM Media

Research, inspite of the obvious weaknesses in the ratings system and its biased attitude against Doordarshan programmes, has been stated to be the acceptance of the ratings of the TAM Media Research as the basis for the programmes scheduling, content tailoring, etc. by the broadcasters, advertisers and the production houses under the aegis of IBF. Secondly, in January 2007, TAM Media Research expanded its coverage from 70 cities to 148 cities. As this expansion was strictly urban and restricted to Cable and Satellite homes, it resulted in significant decrease in the ratings of DD channels/programmes. But surprisingly, when TAM Media Research was requested by Doordarshan to enlarge the coverage so as to cover the rural audiences, the private agency expressed its inability to do so on the plea of scarcity of funds and asked for an additional amount of Rs. 7.75 crore from Doordarshan. The Committee, however, find that Prasar Bharati has been approached by the other private rating agency *i.e.* a-MAP for a customized rural panel to unlock the true value of Doordarshan. a-MAP alongwith another new player in the rating business *i.e.* Television Monitoring and Research (TMR) has made presentations to Prasar Bharati to cover parts of rural areas and for channel mapping so as to reflect/increase the reach and effectiveness of the Doordarshan channels. The Committee find that the total capital cost for the project in the rural areas as per the tie-up made with a-MAP would be approximately Rs. 9.01 crore with an annual recurring cost of Rs. 4.65 crore. The entire cost is to be borne by DD and a-MAP's remuneration for setting up the panel would be ten percent of the capital Outlay. The Committee also find that the TMR proposal envisages a one time meter cost of Rs. 50,000 per set. Additionally, around 100 nodes can be set up at different places at a monthly cost of Rs. 7000 per node. The best feature of TMR is that its technology permits the monitoring of all the channels being broadcast by MSOs/Cable operators/DTH, etc. which would enable Doordarshan to see whether the cable operators are showing select DD channels on the required bands with requisite quality of signals as specified in the Cable Television Networks (Regulation) Act, 1995. The Committee find much worth in the proposals of a-Map and TMR, which seem to be economically viable and intend to reflect Doordarshan's reach and increase its effectiveness in the rating studies. As a-MAP proposes to cover small towns and rural areas, the Committee feel that it would be more representative of the Indian television audience and boost DD viewership ratings resulting in a greater share of the advertisement market. Similarly, TMR's monitoring of the violation of mandatory showing of DD channels by the cable operators would help DD to take corrective measures which would translate into higher viewership and revenue and facilitate better functioning of the Public Service Broadcaster. The Committee, therefore, recommend that Prasar Bharati should seriously consider the proposals of a-MAP and TMR, more so when TAM Media Research has conveyed its inability to correctly reflect the

popularity of Doordarshan channels and programmes on the plea of fund constraints.

(iv) Status of DART

14. The Committee note that according to the Ministry the panel diary system adopted by Doordarshan for its in-house rating studies notwithstanding certain limitations, is as useful as the people meter system adopted by the private rating agencies and DD has been exhorted to broadbase the DART system. But according to Prasar Bharati, DART has lost its credibility and it may not be worthwhile to expand the DART experiment. So much so that Prasar Bharati is contemplating investment in installation of people meters in rural areas and some kind of joint venture as an alternative to DART. The Committee fail to reconcile the apparently contradictory statements and deprecate the Ministry's casual response and unacceptable plea that if Prasar Bharati says DART has outlived its utility, then the Ministry has no comments to offer as Prasar Bharati is an autonomous organisation. The Committee are well aware of the autonomous character of Prasar Bharati. They equally understand the Ministry's role and responsibility and desire that at least such callousness on the part of the Ministry should be avoided while deposing before any Parliamentary Committee or furnishing written replies to their questionnaire. The Committee also recommend that Prasar Bharati, instead of just mentioning that DART has outlived its utility/credibility, should formulate certain concrete proposals in consultation with the Ministry so that an alternate rating system can be worked out. The Committee further find that the diary based system is still prevalent in many countries to supplement the ratings done through the electronic meters. As such, the panel diary system has to co-exist with and supplement the people meter method, as also recognised by TRAI.

(v) Advertisements for Doordarshan

15. According to Prasar Bharati, if one of Doordarshan programmes has a television audience measurement rating of seven and another has a rating of five, the programme which is lower in rating sometimes gets more advertisement because advertisers are conscious of Doordarshan's reach and use it as a leverage. Prasar Bharati has also submitted that at any given time if ratings of all cable and satellite and non-cable and satellite homes are taken into consideration, the eyeballs caught by Doordarshan programmes will be far more than the private channels. But TAM Media Research does not project it. Similar apprehensions and concerns about the credibility of the ratings done by TAM Media Research have been conveyed to the Committee by eminent cine and TV personalities and various stakeholders. The Committee while generally in

agreement with the above contention of Prasar Bharati would also like the Broadcasting Corporation to ponder about its own role in the matter. Had Doordarshan programmes been so popular as compared to that of the private channels, they would have been able to attract more advertisers. Such apprehensions of the Committee have been corroborated by the plea taken by CEO, Prasar Bharati that Doordarshan does not really consider revenue as the main motive when he was asked to state whether Doordarshan was getting sufficient revenue by way of advertisements as compared to the private channels. The Committee acknowledge that Doordarshan, as a Public Service Broadcaster, has certain social obligations to fulfil and has to cater to the entire spectrum of Indian population. But simultaneously Doordarshan has to find ways and means to generate adequate resources, which can be effectively utilised to augment the infrastructure and produce quality programmes enabling it to compete with the private channels. And getting sufficient advertisements could be one such effective means. The Committee, therefore, exhort the Ministry and Prasar Bharati to realise the ground realities and take all possible measures to ensure that Doordarshan gets adequate advertisements and its viewership ratings soar.

(vi) Quality of Programmes

16. The Committee note that although the quality of programmes of Doordarshan has gone up to some extent, as claimed by Prasar Bharati, yet there is scope for much improvement. The Committee are particularly concerned to find that despite producing some good programmes, Doordarshan does not have an effective marketing strategy to attract the advertisers. They feel that in order to sustain competition from the private channels and increase the ratings of Doordarshan programmes, it is imperative that apart from improving the quality of programmes telecast by Doordarshan to a marked extent, an effective marketing and promotion strategy also needs to be evolved. The Committee, therefore, recommend that the Ministry and Prasar Bharati should take appropriate measures to substantially improve the quality of programmes produced/telecast by Doordarshan and put a vibrant and effective marketing strategy in place so that more advertisers are attracted enabling Doordarshan to generate substantial revenue and remain a strong contender in the television viewership ratings race.

(vii) DART—Fund Allocation and Utilisation

17. The Committee observe that during the years 2006-07 and 2007-08, there were shortfalls in expenditure to the tune of Rs. 6.45 lakh and Rs. 13.69 lakh respectively by Doordarshan Audience Research Units when compared to the allocations made as per the final estimates. Such shortfalls have been attributed to not

undertaking the surveys by Srinagar DDK due to non-conducive atmosphere there and staff constraints in Delhi, Mumbai, Nagpur and Bhubaneswar DDKs. For the financial year 2008-09, a proposal for fund allocation of Rs. 2.26 crore has been made to enable the Audience Research Unit to conduct the rating studies. According to the Ministry, although there was no paucity of funds during the years 2006-07 and 2007-08, yet a higher allocation for DART would lead to increase in the advertising revenue. The Committee do not agree with the apparently contradictory statements of the Ministry. They fail to understand the basis on which a higher allocation for DART would be justified when there have been shortfalls in the expenditure of the units, as mentioned above. In other words, a higher allocation for DART will lead to an increase in the advertising revenue only if the Audience Research Units are able to effectively and optimally utilise the earmarked amount. The Committee, therefore, recommend that the Ministry should urgently look towards removing the impediments like staff constraints that are being faced by various DDKs and are hampering the rating studies so that they are able to conduct the required number of studies. Consequently a higher allocation can be considered to increase the samples of the study and to acquire computers and software for data tabulation and analysis for comprehensive rating studies.

(viii) Staff Strength

18. The Committee note that out of the total staff strength of 64 of Prasar Bharati's Audience Research Unit including its 18 Field Units, there were 30 vacancies as on 22 May, 2008 as a result of which the assigned functions of the Unit are managed with much difficulty. The Committee further note that the proposals of Prasar Bharati have been sent to the Ministry to fill up the existing vacancies on promotion for various categories of posts, as there is a ban on direct recruitment. Prasar Bharati, on the basis of their proposals hope that the promotional posts would be filled up in the 2008-09 fiscal. Further, a committee has been appointed to do a cadre review of the audience research staff so as to remove the bottlenecks in the existing structure. Prasar Bharati also proposes to combine the present staff of the Audience Research Units of the All India Radio and Doordarshan to overcome the staff constraints. In view of almost 50 percent vacancies in the Audience Research Unit including the Field Units and a ban on direct recruitment, the Committee urge the Ministry to expedite the approval of the proposals submitted by Prasar Bharati so that the promotional posts are filled up in the 2008-09 fiscal itself. The Committee also desire that the cadre review of the audience research staff be completed at an early date in order to remove the bottlenecks in the existing structure and enable the ARU to function efficiently. The Committee feel that the proposal to

combine the present staff of the ARUs of AIR and DD is a measure in the right direction as the synergy would strengthen the research team at the headquarters and help deployment of sufficient staff in different field units as per the requirement.

19. The Committee would also like to add a word of advice for the Ministry of Information and Broadcasting since they have chosen to harp on Prasar Bharati being an autonomous body. Like most of the other problems besetting the Prasar Bharati, the staff strength in the Audience Research Unit and the consequent shortcomings in its performance is because the Government have unduly delayed decisions on the organisational and financial restructuring of the Public Service Broadcaster. These have been discussed and recommended upon by the Committee in several of their Reports, the latest reference being in their 47th, 55th, 60th and 63rd Reports (Fourteenth Lok Sabha). Notwithstanding the stopgap arrangements being resorted to by Prasar Bharati to tide over the problem, the solution to all the hardships being faced by Prasar Bharati would be a thing of past if the issues pending with the Government are expeditiously decided upon. The Committee, therefore, urge the Government to settle all matters pertaining to the Public Sector Broadcaster without any further delay.

IX. FORMATION OF AN OVERSIGHT AND CONTROL BODY BY THE INDUSTRY ASSOCIATIONS

20. The Committee note that the leading industry associations of the broadcasters, the media and the advertising sector have jointly formed the Broadcasting Audience Research Council (BARC) to oversee and control the television ratings system in India. A not-for-profit-body under the Section 25 of the Companies Act, 1956 it has equal representation from the Indian Society of Advertisers (ISA), the Indian Broadcasting Foundation (IBF) and the Advertising Agencies Association of India (AAAI). The basic thrust of BARC for ratings research, purportedly, will be that it should be truly representative, robust and transparent. For this purpose the Council is planning to adopt the BARB model of United Kingdom and is in the process of conducting baseline studies to know the TV viewers universe. Once these are over, the Council intends to conduct ratings research for its members by awarding contracts to rating agencies. While taking note of this development, the Committee have a feeling that this very belated initiative by the industry associations is something akin to the reference made by the Ministry to TRAI. As soon as the Committee commenced the scrutiny of the TV ratings system, and sensing that the concerns of the Committee, the parliamentarians, the media, the consumer groups, the public at large would now compel the Government to take action to regulate the ratings business, the industries concerned have come up with this

idea of having a body of their own. Their insistence on keeping the Government out of the regulatory mechanism; not nominating the Public Service Broadcaster amongst the directors of IBF on BARC Board in the most crucial formative years of the Council; the general reluctance of the Prasar Bharati management to be a part of IBF because of ethical issues involved; the Ministry's admission that they would not be having any say in the composition/functioning of BARC; there being no interaction or interface with the Government pre and post formation of BARC; the cross industry and converging industries stakes; the asymmetrical voting pattern in BARC, with four directors of IBF having only one vote being ranged against four directors each of AAAI and ISA having two votes and the portends of IBF being outvoted every time on crucial matters; the asymmetrical voting strengths being compounded by the injudicious corpus sharing between IBF, AAAI and ISA in the ratio of 80:15:5 when all three have equal rights and powers; the conflict of interest amongst IBF's members; there being no clear cut acknowledgement or demarcation of the role of the Public Service Broadcaster in the scheme of things inspite of it being the largest in terms of its reach and spread and also being entrusted with the mandate of public service, which is quite diverse from the highly commercial interests of other players involved; the lopsided funds contribution model; the virtual exclusion of viewers interest by the IBF during their candid admission before the Committee that ratings do not affect viewers but the stakeholders, etc., are all pointers towards the fact that the 'voluntary' act of formation of BARC by the industry associations has everything but public interest in mind. The Committee, therefore, recommend that the Ministry should consider these developments very carefully and with a fine toothcomb so that the ratings business does not continue unregulated and unfettered and in its present form under a different banner. Notwithstanding the endeavours of some of the stakeholders, the Committee desire a comprehensive action plan from the Ministry on this crucial matter without any further delay.

X. ELECTRONIC MEDIA MONITORING CENTRE (EMMC)

21. The Committee note that the Ministry of Information and Broadcasting have set up an Electronic Media Monitoring Centre in Delhi which at present has the capacity to simultaneously monitor 120 channels which can be increased to 300 channels. According to the Ministry, many a times complaints are received against TV channels for the violation of Programme and Advertising Codes prescribed under the Cable Television Network (Regulation) Act, 1995 and the rules framed thereunder and it becomes difficult to get the information/footage from the TV channels to verify the accuracy thereof. With the setting up of EMMC, the Government will have

the entire footage at their command and any violation by TV channels can be immediately seen by the authorities entrusted with monitoring these channels and a report sent to the Government on the basis of which action can be initiated. But the Committee are concerned to find that even continuous monitoring of all broadcast contents of the channels by EMMC is not sufficient to tackle the alleged manipulation of the rating studies by the agencies as the Monitoring Centre is not envisaged to do an audit of the agencies involved in the ratings system. Moreover, the Committee are given to understand that EMMC alone would not be able to effectively monitor the violation of the content/programme/advertising codes as it is just one of the three pillars in the Ministry's overall vision, the other two being a Regulator and a Legislation. In other words, if the Government are able to put all the three pillars in place simultaneously, then only an effective monitoring system can emerge to check any violation of the content/programme/advertising codes as well as manipulation of the rating studies by the agencies. The Committee, therefore, impress upon the Ministry to take up the matter on priority basis at the appropriate fora so as to complete the envisaged picture and ensure that the aims and objectives for which EMMC was set up are effectively fulfilled.

XI. INTERNATIONAL PRACTICES

22. The Committee note that internationally the television ratings business can broadly be classified into three categories *i.e.* Own Services (OS), Media Owner Contract (MOC) and Joint Industry Committee (JIC). Own Services are set up on an entrepreneurial basis and wholly owned and managed by a research supplier. The MOC is a system where one or more broadcasters (and occasionally an agency or advertiser) use to commission research from a research supplier. JIC is a system where the research is commissioned by a committee representing all the interested parties *i.e.* broadcasters, advertisers and media agencies. At present, countries like India, USA, Russia and Spain follow the OS system, whereas Germany, France, Norway and Canada have adopted the MOC system. Similarly, countries like United Kingdom, Italy, New Zealand and South Africa follow the JIC system. The Committee find that all the three systems have their own advantages and disadvantages. As such, there is no fixed structure about the method, which the international audience rating organisations follow and the choices have been made to suit Country specific measurement issues and needs. The Broadcasters Audience Research Board (BARB) in the United Kingdom, the Media Rating Council (MRC) in the United States of America, the Bureau of Broadcast Measurement (BBM) in Canada, the Australia Television Audience Measurement (OZTAM) in Australia and the South African Advertising Research Foundation (SAARF) in South Africa remain

responsible for the television audience measurement in their respective countries. According to Prasar Bharati, the existing model in the UK *i.e.* BARB will be suitable for India as well as Doordarshan, subject to it being implemented properly. But IBF in their submission have opined that it will be better not to replicate a system operating in a particular country. However, IBF supports the idea of having a joint industry body of the three contending industries *viz.* broadcasters, advertisers and the advertising agencies. The Committee are of the opinion that instead of blindly following any particular model, a transparent system in consonance with the global best practices and the social ethos of the Country should be evolved to protect the interest of not only the broadcasters, advertisers and media agencies but more significantly that of the most important stakeholder *i.e.* the viewer.

XII. REGISTRATION OF THE RATING AGENCIES

23. The Committee note that till date no stipulated system of formal registration has been laid down for the agencies carrying out the rating studies. In view of the need for a more transparent and credible system, the Ministry have referred the matter to TRAI. According to Prasar Bharati, a well laid out system of registration and proper guidelines will be required to ensure transparency and independence of the rating agencies. The Broadcasting Corporation has further opined that the eligibility criteria for registration of rating agencies should be expertise, experience, plurality of the regions and viewership and financial stability and clients, should not be permitted to have cross holdings with rating agencies. According to the Indian Broadcasting Foundation, the key qualifications for a rating agency should be proven international experience, willingness to adhere to BARC's stringent research design, oversight and audit requirements, etc. The Committee tend to agree with the views expressed by the Public Service Broadcaster and IBF and recommend that the Government should work out modalities so that the rating agencies are registered and fulfil all the eligibility criteria suggested by Prasar Bharati and IBF, sans proven international experience proposed by IBF, as it would be a restrictive clause for many aspiring players. The Committee specifically desire that with a view to maintaining operational and ethical standards as well as unbiased reporting, the rating agencies should not have any stakes in the broadcasters, advertisers and advertising agencies and *vice versa*.

XIII. INDEPENDENT AUDIT SYSTEM

24. The Committee have a lurking suspicion that due to the monopolistic regime prevalent in the extant ratings system and in the absence of any independent audit of the system, the possibility of TV audience measurement being manipulated cannot be ruled

out, especially when the data is kept completely secret by the rating agencies. The IBF's admission before the Committee that none of the two existing private ratings systems passes the transparency yardstick as there is no independent audit/oversight by either the industry or the regulator is highly perturbing. The Ministry in their submission have agreed that putting in place an independent audit system, as is being done in a number of other countries, can be one of the mechanisms to check manipulation of the audience measurement. The Committee feel that the extant system of television viewership ratings has not become confined only to the business interests of the broadcasters, advertisers and advertising agencies but the larger and fundamental public interest has been totally ignored inspite of the fact that the rating studies have a definite say on the programme contents and schedules. The Committee, therefore, recommend that there should be comprehensive, mandatory and periodical audit of the functioning of the rating agencies/system carried out by independent, qualified and expert auditing firms to bring in a semblance of transparency in the ratings system and to ensure that the manipulations against larger public interest are eliminated.

XIV. GRIEVANCES REDRESSAL FORUM

25. The Committee are surprised to note that inspite of a plethora of user/consumer centric measures available to stakeholders in several industries, there is no specific forum or regulatory body to redress the grievances of the stakeholders and the viewers against the rating studies/agencies. In the absence of any grievances redressal forum, Prasar Bharati has urged IBF to work towards that direction. IBF on its part has submitted that the proposed BARC will urgently tackle the issue and may institute a mechanism similar to the Consumer Complaints Council (CCC) of the Advertising Standard Council of India (ASCI). The Ministry of Information and Broadcasting have stated that although IBF has been in existence since long, yet it was only after the issue was taken up by the Ministry and meetings were called, that non-existence of any grievances redressal mechanism has caught the attention of IBF and the formulation of BARC has been proposed. The Ministry have also expressed their inability to make further comments on the issue as the details of grievances redressal mechanism have not been made available to them. The Committee do not appreciate the attitude and statement of the Ministry as instead of engaging in blame game the Ministry themselves should have taken some pro-active measures long ago to facilitate establishment of some complaints/grievances redressal mechanism. The Committee, therefore, impress upon the Ministry to take up the matter urgently at the appropriate fora and ensure that an effective mechanism is put in place to handle the complaints/

grievances against the shortcomings and deficiencies in the ratings system brought to notice by the viewers, stakeholders, users, consumer organisations, etc.

XV. GOVERNMENT INTERVENTION

26. The Committee note that presently there is no intervention by the Government in the extant ratings system and the industry is left to itself to sort out the issue. According to the Ministry, as the deficiencies of the television viewership ratings system have not been addressed as yet, despite it being in place for fifteen years, the intervention by the Government is needed to set the matter right. Prasar Bharati has also opined that there should be some kind of governmental oversight of the ratings system and the industry needs to be regulated so as to protect the interest of all the stakeholders including the viewers. But according to IBF, any governmental involvement in regulating the ratings is not at all desired as it may affect the business environment of the stakeholders. Downplaying the importance of the viewers, IBF has contended that due to the ratings, viewers are not affected but the stakeholders are; advertisers base their advertising spend on what the ratings tell them, this expenditure is the principal revenue source for most broadcasters; advertising and media agencies draw a sizable portion of their revenue from the commissions earned on such expenditure and thus while ratings certainly measure what the audiences do, its economic effect is only felt by the broadcasters, advertisers and advertising agencies. The Committee are in absolute disagreement with the contention of IBF and would like to make it clear in no uncertain terms that viewers have the largest stake in the ratings system. And the ratings system in vogue in utter disregard to the viewers' sensitivities and preferences is promoting misuse of the television's platform in the spread of violence, vulgarity, crime, sex, sensationalisation and blind imitation of the western culture, ignoring India's great cultural traditions and values. All this is being done in order to attract viewership, especially the vulnerable groups, gain popularity and earn revenue. Thus, IBF's contention that viewers are not affected due to ratings is unacceptable to the Committee as economic interest of certain classes cannot and should not be given precedence over the social ethos of the masses. The Committee have a feeling that perhaps this sort of purely commercial attitude of the apex industry bodies like IBF laced with a striking apathy towards the viewing public has resulted in the system not improving despite it being in existence for so many years under industry regulation. It is, therefore, high time the Government intervened in the matter and put in place some sort of governmental oversight/regulation on the television ratings system to make it credible and accountable to the choice and sensitivities of the viewers and prevent misuse of

the television media's role, protecting thereby the Country's rich culture, tradition and social ethos.

XVI. REFERENCE TO THE TELECOM REGULATING AUTHORITY OF INDIA (TRAI)

27. As stated previously in the Report, the system of television audience measurement has been in existence in the Country for last one and a half decade, functioning unrestrained and unchecked in the interest of a few and with utter disregard to the genuine preferences and choices of the viewers. Unfortunately, however, the Ministry of Information & Broadcasting which is mandated with the task of overseeing broadcasting services in the Country had never in these past fifteen years thought of any intervention in the matter. It was only after the Committee had its first personal interaction with the Ministry on 8 January, 2008 and gave a bit of their mind on the goings on in the television ratings business, that the Ministry woke up from slumber and asked TRAI on 17 January, 2008 to give their recommendations on the system of television audience measurement in the Country. For all these fifteen years this gross inaction of the Ministry enabled a single rating agency to have a virtual free run to monopolise the ratings business. Thus, without any competition, transparency and accountability, the system of audience measurement instead of painting the large canvass of viewers preferences became a tool to have a decisive say in the content of programmes. The result is that channels have been dishing out programmes which are neither reflective of the preferences of common man nor in consonance with the social ethos or the diversity of a Country like India. The reference to TRAI by the Ministry of Information & Broadcasting, in the opinion of the Committee was a knee jerk reaction in response to the Committee's ongoing examination and the mounting concerns and dissatisfaction being expressed by media, consumer groups, broadcasters, other stake holders, etc..

28. The Committee have also pondered over the question of legality or otherwise of the reference made by the Ministry to the regulatory body. They tend to agree with the contention of TRAI that as per the TRAI Act, the Regulatory Body is responsible for the broadcasting services, which primarily mean carriage aspect of broadcasting while the subject matter of television audience measurement falls in the content domain. That the Government did not invoke any section of the Act while making the reference to TRAI further strengthens this belief. The Ministry's subsequent clarifications about the reference being covered under Section 11 (i), (iv) and (vii) of TRAI Act, 1997 merely because their invocation had been mentioned in the context of the reference by TRAI while floating the Consultation Paper on the subject also does not cut ice.

TRAI had categorically informed the Committee during their oral evidence that there was a very strong opinion in the Authority to return the reference to the Government, as it did not fall in their domain. However, they retained the reference considering it a national cause and because of its presumed linkage with consumers/subscribers. And in order to facilitate this they had to find out and invoke sub sections (iv) and (vii) of Section 11 of the Act.

29. The Committee also note with deep regret that TRAI has written to the Ministry of Information & Broadcasting that rather than creating a separate regulator, the content may also be assigned to them. But the Ministry, who have with much alacrity referred the ratings business that has a profound bearing on content to TRAI, have taken a stand before the Committee that there will be a regulator for the purpose once the Broadcasting Bill becomes a law. While there is a lot of merit in the logic of TRAI to have both the carriage and content aspect under them for a holistic and comprehensive approach, the Ministry's stand suffers from several infirmities and is unnecessarily delaying a well laid out oversight of content being broadcast. The Ministry's stand is also in contrast of their assurance before the Committee that they would look at it (content related issues) so that in future, TRAI is able to do so without any difficulty. The Committee, therefore, desire that in view of the ground situation and till a final view on the draft Broadcasting Bill emerges, regulation of content, which is governed by the Advertisement and Programme Code of the Cable Television Networks (Regulation) Act, 1995, should be assigned to TRAI without any further delay.

XVII. PERFORMANCE OF THE MINISTRY

(i) Policy Guidelines

30. The Committee find the callous and indifferent attitude of the Ministry towards the deleterious effects of the manipulated viewership ratings of the broadcast content inexplicable. For a decade and a half, the Government have remained a silent spectator to the surfeit of violence and obscenity, the gradual denigration of Indian culture, social ethos and values system under the specious plea that the ratings system, hitherto, remained unregulated and no policy/guidelines have been laid down by them as the ratings system is a business activity and the Government do not normally interfere in business activity unless a larger public interest is involved. The Ministry also remained blissfully smug under the notion that industry would take corrective action on its own to make it more broadbased and representative. At the cost of sounding repetitive, the Committee would state that with almost 100 per cent geographical coverage by TV of a Country having a population of 1.13 billion and 120 million

TV homes how larger a public interest is further required to convince the Ministry that the rating system in vogue is not merely a business activity. Moreover, the draft Broadcasting Bill which by the Ministry's own admission has been drafted twenty times since 1997 and has a lot to say on broadcast content, ought to have given vital inputs to the Ministry about the goings on in the ratings business, more than a decade ago to make them sit back and take appropriate corrective measures. The Ministry, however, in their *micawberish* hope felt that the industry would take corrective steps on its own and did nothing. The Committee consider this deliberate inaction on the part of the Ministry a gross failure and would like them to come up with comprehensive policy/guidelines in the matter without any further dithering so that something is done to insulate the hapless viewers from undesirable content being aired by the channels.

(ii) *Broadcasting Legislation*

31. The Committee are highly perturbed to note that a suitable legislation on broadcasting is yet to see the light of the day despite several efforts of the Government during the last eleven years. Way back in 1995, the Supreme Court pronounced that airwaves are public property and have to be controlled and regulated by public authority in the interest of the public. The Broadcasting Bill, 1997 was accordingly introduced by the Government in the Parliament, but it lapsed. Another attempt was made when the Convergence Bill, 2001 was introduced but even this lapsed with the dissolution of the Thirteenth Lok Sabha. With the Governments efforts including preparation of 20 drafts of the legislation not bearing any fruits, the ground situation today is that the broadcasting services have a system of oversight in bits and pieces. We have an Act to regulate Cable networks and a surfeit of guidelines to regulate uplinking of TV channels, DTH, FM Radio, Community Radio, downlinking, etc. This is not at all a happy situation. Isolated legislations and guidelines on some aspects of a major service cannot be a substitute to a self enabling and comprehensive legislation covering the entire gamut of the activities of the concerned service.

32. The Committee, however, have a nagging feeling that the Ministry's approach towards this important matter lacks the requisite seriousness. Such prolonged consultations exceeding more than a year with various stakeholders on a legislation which is already hanging fire for more than a decade now are not only delaying the matter but also proving detrimental to the biggest of all the stakeholders, the public and the public interest. The Committee, therefore, exhort the Ministry to complete the consultations with the various stakeholders immediately and make sincere efforts to fructify a self enabling, people friendly and comprehensive legislation on broadcasting services without wasting further time.

(iii) Content Code

33. The Committee note that a committee of the Ministry of Information and Broadcasting headed by the Secretary of the Ministry has conducted a preview of the existing Programme and Advertising Codes and have formulated Self-Regulation Guidelines for the Broadcasting Sector. These have been submitted to the Government in March, 2008. These drafts Guidelines reportedly have addressed to a large extent the issues of obscenity, vulgarity and denigration of Indian culture in the TV programmes. Though the said committee of the Ministry did not deliberate upon the system of ratings, but the Committee feel that if these Guidelines are able to effectively put a check on obscenity, vulgarity and violence and the denigration of Indian culture in the broadcast content, the manipulative practices inherent in the present ratings system will be automatically curbed to a large extent, flourish as they do primarily on such objectionable contents. The Committee, therefore, desire that the draft Guidelines should be processed and finalized by the Government urgently so that they are in the realm of implementation without any further loss of time.

(iv) Invoking Legal Provisions

34. Time and again during the examination of the subject by the Committee, the Ministry took shelter behind the inadequacy of Cable TV Networks (Regulation) Act, 1995 in not covering the broadcast measurement services. It was only when the Committee pointed out that the Act had comprehensive penal provisions for content regulation and the Ministry could have by the means of content regulation rendered several malpractices in the ratings system infructuous, that the Ministry could appreciate the exact scope and ambit of this Act. Apart from the Cable TV Networks (Regulation) Act, 1995 the Committee found that there is an array of legislations, which could have been invoked by the Ministry to regulate content and advertisements of the channels. These include the Indecent Representation of Women (Prohibition) Act, 1986; the Consumer Protection Act, 1986; the Cinematograph Act, 1952; the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954; the Emblems and Names (Prevention of Improper Use) Act, 1950; the Prevention of Food Adulteration Act, 1954; the Prize Competitions Act; the Copyright Act, 1957; the Drugs and Cosmetics Act, 1940, the Pharmacy Act, 1948. Sadly, however, during the years 2005, 2006 and 2007, a mere 221 notices were issued to defaulting channels and action like orders, advisories, warnings, scrolling of apologies, which don't count for much, was taken in 67 cases. The Committee are pained to observe this lack of action or rather will on the part of the Ministry on a matter of high national importance over the last

so many years. In spite of so many laws, to deal with all types of violations in the broadcast content, in existence, the Ministry have abysmally failed to invoke them and take deterrent action against the violators. The specious pleas that the Ministry of Information and Broadcasting is not the administrative Ministry for these legislations and the Ministry could act more decisively with their own legislation, which has remained elusive till date, are totally untenable. The Committee rank this as another failure of the Ministry, which facilitated the rot to set within. The Secretary's admission before the Committee about not much being done by the Ministry in the last fifteen years only goes to corroborate this belief of the Committee. They, therefore, desire that the Ministry should atleast now act more purposefully and professionally to have an effective oversight of the broadcast content within the framework of the existing laws.

35. To sum up, the Committee find that even after being in existence for more than one and half decade, the extant television viewership ratings system suffers from a slew of shortcomings which include lack of transparency, authenticity, credibility, accountability, competition and the serious limitations of small sample size and their impact on content and scheduling of programmes with scant regard to the choice and sensitivities of the viewers. The purely commercial attitude of the industry and its exclusive focus on the interest of only three stakeholders namely the broadcasters, advertisers and advertising agencies relegating the most important stakeholder *i.e.* the viewers to the background has prevented the ratings industry to address the shortcomings effectively. The inaction of the Ministry, even after admitting that some governmental oversight is needed to regulate the industry, has worsened the situation. The Committee in the preceding paragraphs have dealt with these shortcomings in detail and hope that their considered recommendations will receive focussed attention of the Government, atleast for the sake of the common viewers.

NEW DELHI;
11 December, 2008
20 Agra Hayana, 1930 (Saka)

NIKHIL KUMAR,
Chairman,
Standing Committee on
Information Technology.

APPENDIX I

COMPOSITION OF THE STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2007-08)

Shri Nikhil Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Abdullakutty
3. Shri Ramesh Dube
4. Shri Nikhil Kumar Choudhary
5. Shri Sanjay Shamrao Dhotre
6. Smt. P. Jayaprada Nahata
7. Shri Narahari Mahato
8. Shri Bhubaneshwar Prasad Mehta
9. Shri Harish Nagpal
10. Col. G. Nizamuddin
11. Shri Sohan Potai
12. Shri Lalmani Prasad
- *13. Vacant
14. Shri Badiga Ramakrishna
- @15. Vacant
16. Shri Tufani Saroj
17. Shri Tathagata Satpathy
18. Smt. Rubab Sayda
19. Shri K.V. Thangka Balu
20. Shri P.C. Thomas
21. Shri Kinjarapu Yerrannaidu

* *Vice* Kunwar Jitin Prasad ceased to be a member on being inducted to the Union Council of Ministers on 7th April, 2008.

@ *Vice* Shri Prem Kumar Dhumal ceased to be a member on resignation from Lok Sabha on 7th Jan., 2008. Shri Prem Kumar Dhumal was nominated to the Committee on 5 October, 2007 *vice* Vishnu Deo Sai ceased to be member of the Committee *w.e.f.* 30 August, 2007.

Rajya Sabha

22. Shri Praveen Rashtrapal
23. Shri Ravi Shankar Prasad
24. Shri Dara Singh
25. Shri A. Vijayaraghavan
26. Shri N.R. Govindraj
- \$27. Dr. C.P. Thakur
- \$28. Shri Rajkumar Dhoot
29. Shri Shyam Benegal
30. Shri Rajeev Chandrasekhar
31. Shri Gireesh Kumar Sanghi

SECRETARIAT

1. Shri M. Rajagopalan Nair — *Secretary*
2. Shri P. Sreedharan — *Joint Secretary*
3. Smt. Sudesh Luthra — *Director*
4. Shri P.C. Koul — *Deputy Secretary*
5. Shri D.R. Mohanty — *Under Secretary*

^{\$}Nominated *w.e.f.* 21 May, 2008.

APPENDIX II

STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2007-08)

MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 29th January, 2008 from 1100 hrs. to 1215 hrs. in Committee Room No. 'E', Parliament House Annexe, New Delhi.

PRESENT

Shri Nikhil Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Abdullakutty
3. Shri Ramesh Dube
4. Shri Nikhil Kumar Choudhary
5. Shri Sanjay Shamrao Dhotre
6. Shri Narhari Mahato
7. Col. G. Nizamuddin
8. Shri Lalmani Prasad
9. Shri Badiga Ramakrishna
10. Shri K.V. Thangka Balu
11. Shri P.C. Thomas

Rajya Sabha

12. Shri Praveen Rashtrapal
13. Shri A. Vijayaraghvan
14. Shri N.R. Govindrajar
15. Shri Gireesh Kumar Sanghi

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Shri P.C. Koul — *Deputy Secretary*
3. Shri D.R. Mohanty — *Under Secretary*

WITNESSES

Ministry of Information and Broadcasting

1. Smt. Asha Swaroop — Secretary
2. Shri Uday Kumar Verma — Additional Secretary
3. Smt. Zohra Chatterjee — Joint Secretary
4. Shri Prawin Kumar — Director

Prasar Bharati

Shri L.D. Mandloi — DG, Doordarshan

2. At the outset, the Chairman welcomed the members of the Committee and the representatives of the Ministry of Information and Broadcasting and Prasar Bharati to the sitting of the Committee.

3. Thereafter, the representatives of the Ministry of Information and Broadcasting briefed the Committee on the subject on 'Television audience measurement in India' highlighting various issues and aspects related to it. The members sought clarifications on several issues relating to the subject and the representatives of Ministry of Information and Broadcasting and Prasar Bharati responded to the same. The Committee also desired that written replies to the unresolved queries be furnished by the Ministry at an early date.

4. The Chairman, then, thanked the witnesses for appearing before the Committee as well as for furnishing valuable information that the Committee desired in connection with the examination of the subject.

A verbatim record of the proceedings has been kept.

The witnesses, then withdrew.

The Committee, then, adjourned.

APPENDIX III

STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2007-2008)

MINUTES OF THE TWENTY-FIFTH SITTING OF THE COMMITTEE

The Committee sat on Thursday, the 19th June, 2008 from 1500 hrs. to 1950 hrs. in Room No. G-074, Parliament Library Building, New Delhi.

PRESENT

Shri Nikhil Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Abdullakutty
3. Shri Ramesh Dube
4. Shri Nikhil Kumar Choudhary
5. Shri Sanjay Shamrao Dhotre
6. Shri Lalmani Prasad
7. Shri K.V. Thangka Balu

Rajya Sabha

8. Shri Praveen Rashtrapal
9. Shri A. Vijayaraghvan
10. Dr. C.P. Thakur
11. Shri Rajkumar Dhoot
12. Shri Shyam Benegal

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Smt. Sudesh Luthra — *Director*
3. Shri P.C. Koul — *Deputy Secretary*

WITNESSES

Telecom Regulatory Authority of India

1. Smt. Nripendra Misra — Chairman, TRAI
2. Shri A.K. Sawhney — Member
3. Smt. Sadhana Dikshit — Pr. Advisor
4. Shri R.N. Chaubey — Pr. Advisor

Prasar Bharati Broadcasting Corporation

1. Shri B.S. Lalli — Chief Executive Officer
2. Ms. Noreen Naqvi — Director General, Doordarshan
3. Shri Ashok Jaikhanani — DDG, Doordarshan

Indian Broadcasting Foundation

1. Shri Jawahar Goel — President, IBF, Zee Telefilms
2. Shri Chintamani Rao — Chief Executing Officer, Times Global Broadcasting Co. Ltd.
3. Shri Paritosh Joshi — President (Adv. Sales & Distribution), Star India Pvt. Ltd.
4. Shri Sam Balsara — Chairman & Managing Director, Madison Communications Pvt. Ltd.
5. Ms. Dyananda Chaudhari — Head-Media Services of Hindustan Unilever Limited
6. Shri N.P. Nawani — Secretary General, IBF

Audience Measurement and Analytics Limited

- Dr. P.R. Shukla — Co-founder, Director

TAM Media Research Pvt. Ltd.

1. Shri L.V. Krishnan — Chief-Executive Officer
2. Shri Pradeep Hejmadi — Sr. VP Mktg. & S-Group Advisory Services
3. Shri Sharan Sharma — VP Measurement Science & Analytics

2. At the outset, the Chairman welcomed the members to the sitting of the Committee convened to take oral evidence of various stakeholders on the subject 'Television audience measurement in India'.

The Chairman, then, introduced Shri Rajkumar Dhoot, M.P., Rajya Sabha who had been nominated to the Committee, to the members of the Committee.

3. The Committee then took evidences of the following organizations/agencies as per time indicated their against:—

Organisations/Agencies	From	To
1. Telecom Regulatory Authority of India	1500	1615
2. Prasar Bharati Broadcasting Corporation	1615	1725
3. Indian Broadcasting Foundation	1725	1815
4. Audience Measurement and Analytics Ltd.	1815	1910
5. TAM Media Research Pvt. Ltd.	1915	1950

Before the witnesses were asked to depose before the Committee, the Chairman welcomed them and drew the attention of each of the witnesses to the provisions of Direction 55(1) of the 'Directions by the Speaker, Lok Sabha'.

4. The representatives deposing before the Committee highlighted various issues and aspects related to the subject through presentations/ audio-visual presentations. The witnesses also made observations/ suggestions on the issues concerning the industry/stakeholders on the above subject and about the scope and the need to have a regulator with a view to regulating television ratings. They also responded to the various queries raised by the members during the course of their presentations. The representatives were asked to send written replies in respect to the unresolved queries to the Secretariat at an early date.

A verbatim record of the proceedings has been kept.

The Committee, then adjourned.

APPENDIX IV

STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2007-2008)

MINUTES OF THE TWENTY-SIXTH SITTING OF THE COMMITTEE

The Committee sat on Wednesday, the 16th July, 2008 from 1500 hrs. to 1720 hrs. in Room No. G-074, Parliament Library Building, New Delhi.

PRESENT

Shri Nikhil Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Abdullakutty
3. Shri Nikhil Kumar Choudhary
4. Shri Sanjay Shamrao Dhotre
5. Shri Narahari Mahato
6. Col. G. Nizamuddin
7. Shri Sohan Potai
8. Shri Badiga Ramakrishna
9. Shri Tufani Saroj
10. Shri K.V. Thangka Balu
11. Shri P.C. Thomas

Rajya Sabha

12. Shri Praveen Rashtrapal
13. Shri Dara Singh
14. Shri A. Vijayaraghvan
15. Dr. C.P. Thakur
16. Shri Gireesh Kumar Sanghi

SECRETARIAT

1. Shri P. Sreedharan — *Joint Secretary*
2. Smt. Sudesh Luthra — *Director*
3. Shri P.C. Koul — *Deputy Secretary*
4. Shri D.R. Mohanty — *Under Secretary*

APPENDIX V

STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2008-2009)

MINUTES OF THE TENTH SITTING OF THE COMMITTEE

The Committee sat on Wednesday, the 10th December, 2008 from 1700 hrs. to 1820 hrs. in Room No. G-074, Parliament Library Building, New Delhi.

PRESENT

Shri Nikhil Kumar — *Chairman*

MEMBERS

Lok Sabha

2. Shri Nikhil Kumar Choudhary
3. Shri Sanjay Shamrao Dhotre
4. Shri Lalmani Prasad
5. Shri K.V. Thangka Balu

Rajya Sabha

6. Shri Praveen Rashtrapal
7. Shri Gireesh Kumar Sanghi
8. Shri Rajkumar Dhoot
9. Shri Rajeev Chandrasekhar
10. Shri Shyam Benegal

SECRETARIAT

1. Smt. Sudesh Luthra — *Director*
2. Shri P.C. Koul — *Deputy Secretary*
3. Shri D.R. Mohanty — *Under Secretary*
2. *** *** ***
3. *** *** ***
4. *** *** ***

5. The Committee then took up the Draft Report on 'Television audience measurement in India' for consideration and adopted the same.

6. The Committee authorised the Chairman to finalise the above Draft Report in light of the factual verification of the Ministry and present the same to the House on a date convenient to him.

The Committee, then, adjourned.

***Matter not related to this Report.