

14

**STANDING COMMITTEE ON
INFORMATION TECHNOLOGY
(2009-2010)**

FIFTEENTH LOK SABHA

**MINISTRY OF INFORMATION
AND BROADCASTING**

*[Action Taken by the Government on the Recommendations/Observations of the
Committee contained in their Sixty-seventh Report (Fourteenth Lok Sabha) on
'Television Audience Measurement in India']*

FOURTEENTH REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

August, 2010/Sravana, 1932 (Saka)

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*Presented to Lok Sabha on 21.08.2010
Laid in Rajya Sabha on 21.08.2010*



LOK SABHA SECRETARIAT
NEW DELHI

August, 2010/Sravana, 1932 (Saka)

C.I.T. No. 215

Price : Rs. 100.00

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Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition) and printed by National Printers, New Delhi-110 028.

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(As on 10 August 2010)

COMPOSITION OF THE STANDING COMMITTEE ON
INFORMATION TECHNOLOGY (2009-2010)

Shri Rao Inderjit Singh — *Chairman*

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Shri Nikhil Kumar Choudhary
4. Shri Milind Deora
- * 5. Shri Charles Dias
6. Shri Rajen Gohain
7. Smt. Darshana Jardosh
8. Shri Mithilesh Kumar
- ** 9. Shri Sadashivrao Dadoba Mandlik
10. Shri Inder Singh Namdhari
11. Shri Abdul Rahman
12. Shri Prem Das Rai
- #13. Shri Tufani Saroj
14. Shri Tathagata Satpathy
15. Shri Adhalrao Patil Shivaji
16. Dr. Bhola Singh
17. Shri Dhananjay Singh
18. Shri Sushil Kumar Singh

* Nominated to Committee *w.e.f.* 19th November, 2009

** Nominated to Committee *w.e.f.* 10th September, 2009

Nominated to Committee *w.e.f.* 13th October, 2009

19. Shri C. Sivasami
20. Smt. M. Vijaya Shanthi
21. Shri Dharmendra Yadav

Rajya Sabha

22. Prof. Alka Balram Kshatriya
- \$23. Vacant
- ##24. Shri Jesudas Seelam
25. Shri Ravi Shankar Prasad
26. Shri Prabhat Jha
27. Shri P. Rajeeve
- &28. Vacant
- \$\$29. Vacant
30. Shri M.P. Achuthan
31. Shri Rajkumar Dhoot

SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Smt. Sudesh Luthra — *Director*
3. Dr. Yumnam Arun Kumar — *Under Secretary*

^{\$} Consequent on retirement of Shri Dharampal Sabharwal *w.e.f.* 9th April, 2010.

^{##} Nominated to Committee *w.e.f.* 5th January, 2010.

[&] Consequent on retirement of Shri Shriram Pal *w.e.f.* 4th July, 2010.

^{\$\$} Consequent on retirement of Shri N.R. Govindarajar *w.e.f.* 29th June, 2010.

INTRODUCTION

I, the Chairman, Standing Committee on Information Technology (2009-10) having been authorized by the Committee to submit the Report on their behalf, present this Fourteenth Report on Action Taken by the Government on the Recommendations/Observations of the Committee contained in their Sixty-seventh Report (Fourteenth Lok Sabha) on 'Television Audience Measurement in India' of the Ministry of Information and Broadcasting.

2. The Sixty-seventh Report was presented to Lok Sabha/laid on the Table of Rajya Sabha on 15 December, 2008. The Ministry of Information and Broadcasting furnished their updated Action Taken Notes on the Recommendations/Observations contained in the Sixty-seventh Report on 20 January, 2010.

3. The Report was considered and adopted by the Committee at their sitting held on 10 August, 2010.

4. For facility of reference and convenience, Recommendations/Observations of the Committee have been printed in bold letters in Chapter-I of the Report.

5. An analysis of Action Taken by the Government on the Recommendations/Observations contained in their Sixty-seventh Report (Fourteenth Lok Sabha) of the Committee is given at *Annexure*.

NEW DELHI;
13 August, 2010
22 *Shravana*, 1932 (*Saka*)

RAO INDERJIT SINGH,
Chairman,
Standing Committee on
Information Technology.

CHAPTER I

REPORT

This Report of the Standing Committee on Information Technology deals with the action taken by the Government on the Recommendations/Observations of the Committee contained in their Sixty-seventh Report (Fourteenth Lok Sabha) on 'Television Audience Measurement in India' relating to the Ministry of Information and Broadcasting.

2. In their Sixty-seventh Report which was presented to Lok Sabha on 15 December, 2008 and laid on the Table of Rajya Sabha on the same day, the Committee had dealt with various issues concerning the objectives of television viewership ratings, the players involved in the rating business, the extent of coverage, the methodology and the sampling adopted for rating, etc.

3. Action Taken Notes in respect of all the 35 Recommendations/Observations contained in the Report have been received from the Ministry of Information and Broadcasting and categorized as under:

- (i) Recommendations/Observations which have been accepted by the Government:—

Para Nos:— 11, 12, 13, 14, 15, 16 and 27

Total : 07
Chapter : II

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government:—

Para Nos:— Nil

Total : Nil
Chapter : III

- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and require reiteration:—

Para Nos:— 18, 19, 21, 28, 29, 31 and 32

Total : 07
Chapter : IV

- (iv) Recommendations/Observations in respect of which replies are of interim nature:—

Para Nos:— 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 20, 22, 23, 24, 25, 26, 30, 33, 34 and 35

Total : 21
Chapter : V

4. The Committee had examined the subject “Television Audience Measurement in India” in detail and made 35 Recommendations/Observations in their Sixty-seventh Report (Fourteenth Lok Sabha). The conclusions drawn in the Recommendations were arrived at after getting the feedback/detailed consultations with television and film personalities, field agencies, Telecom Regulatory Authority of India, the Prasar Bharati, the Indian Broadcasting Foundation and the other stakeholders as well as the nodal Ministry *i.e.* Ministry of Information and Broadcasting. The Recommendations were made to make the system of TRP rating system transparent, authentic, accountable and truly reflective of the viewer’s choice. However, the Committee regret to note that in as many as 21 recommendations (the gist of recommendations and the action taken by the Ministry have been appended), no conclusive action has been taken and as such the replies have been categorized under the interim category. More so, in almost all the cases, no firm timelines have been conveyed to bring them to a logical end on the suggested lines. In most of the cases, it has been stated that some issues have emerged while considering the TRAI’s recommendations and as such they have been again referred to TRAI for further suggestions/recommendations. While expressing unhappiness over the way the decision on such important issues is being delayed, the Committee strongly emphasize the need on the part of the Ministry to expedite the action and address to the shortcoming in the extant television viewership rating system. The Committee desire that while formulating any guidelines/legislations to address to the various issues concerning TAM, the recommendations/observations made by the Committee in their Sixty-seventh Report (Fourteenth Lok Sabha) should be duly taken into consideration.

5. The Committee trust that utmost importance would be given to the implementation of the Observations/Recommendations accepted by the Government. In cases, where it is not possible for the Department to implement the recommendations in letter and spirit for any reason,

the matter should be reported to the Committee with reasons for non-implementation. The Committee further desire that Action Taken Notes on the Recommendations/Observations contained in Chapter-I and Final Action Taken Replies to the Recommendations contained in Chapter-V of this Report should be furnished to them at an early date.

6. Action Taken Notes furnished by the Ministry of Information and Broadcasting have been reproduced in the relevant Chapters of this Report. The Committee will now deal with the action taken by the Government on some of their Recommendations/Observations which need reiterations or merit comments.

A. Strengthening of staff strength in Prasar Bharati

Recommendation (Para No. 18)

7. The Committee had recommended as under:—

“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 per cent 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.”

8. The Ministry of Information and Broadcasting in their Action Taken Notes *inter-alia* replied as under:—

“In order to tackle the acute staff shortage and to strengthen the AR Units of AIR & DD as advised by the Committee, redistribution of posts in AR Units of AIR & DD was taken up with DG:AIR. The Ministry initiated cadre review of Audience Research Staff in order to remove stagnation of officers in the Audience Research Units. However, the exercise had to be closed as it was advised by Internal Finance Division that such cadre review should not be undertaken in isolation for particular Unit and it has to be part of the overall review of Prasar Bharati. Prasar Bharati is being requested to give their recommendations on the cadre review of all the cadre including Audience Research Staff in All India Radio and Doordarshan.”

9. The Committee had made various suggestions relating to organizational restructuring of Prasar Bharati which include expediting the approval of the proposals submitted by Prasar Bharati so that promotional posts are filled up in 2008-09 fiscal itself and early completion of the cadre review of the audience research staff. However, the action taken note does not indicate any conclusive action taken on such an important issue. Moreover, nothing has been mentioned about the status of the proposals submitted by Prasar Bharati to the Ministry with regard to filling up the existing vacancies on promotional basis for various categories of posts. In respect of the cadre review of the audience research staff, the action taken note indicates that the exercise had to be closed as advised by Internal Finance Division which is of the view that cadre review should not be undertaken in isolation for particular unit and it has to be part of the overall review of the Prasar Bharati. All this clearly indicates the callous attitude of the Ministry/Prasar Bharati to address such an important issue. The Committee express unhappiness over the way the issues related to organizational restructuring of Prasar Bharati are being handled by the Prasar Bharati and the Ministry even when almost a decade has already passed since the Prasar Bharati was established.

The Committee while reiterating their earlier recommendation would like that the entire issue of organizational restructuring of Prasar Bharati should be addressed in a stipulated time frame by the Ministry and Prasar Bharati.

B. Financial restructuring of Prasar Bharati

Recommendation (Para No. 19)

10. The Committee had recommended as under:—

“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 performances is because the Government have unduly delayed decisions on the organizational 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.”

11. The Ministry in their Action Taken Note have stated as follows:—

“In order to strengthen Prasar Bharati, the Government on 7th March 2006 constituted a Group of Ministers to examine various issues pertaining to the functioning of Prasar Bharati including Capital Restructuring and funding pattern for Prasar Bharati, status of employees issue amongst others. Group of Ministers has recommended that all employees recruited on or before 05.10.2007 shall be treated as Government employees on deemed deputation to Prasar Bharati with all benefits eligible to Government employees. The Cabinet approval has been obtained on 28.01.2009. However,

it came to the notice of the Ministry that certain clauses of the draft bill required further clarification and amendment in consultation with concerned Departments to remove certain ambiguities. A revised Cabinet Note in this regard has been circulated to the concern Ministries/Departments."

12. The Committee note that the various issues pertaining to the functioning of Prasar Bharati including capital restructuring and funding pattern for Prasar Bharati, status of employees are consistently being delayed due to one or the other reasons. Initially, the Group of Ministers had recommended that all employees recruited on or before 5 October, 2007 shall be treated as Government employees on deemed deputation to Prasar Bharati with all benefits eligible to Government employees and accordingly Cabinet approval was obtained on 28 January, 2009. The action taken note further reveal that at a later stage it came to the notice of the Ministry that certain clauses of the draft Bill require further clarification and amendment in consultation with concerned Departments to remove certain ambiguities. As such the revised Cabinet note was circulated to the concerned Ministries/Departments.

During the course of examination of Demands for Grants (2010-11), the Committee have been updated on the aforesaid issue. As per the latest information provided by the Ministry, the proposals prepared by the earlier Group of Ministers in consultation with Prasar Bharati were forwarded to the Ministry of Finance (Department of Expenditure). The observations of the Department of Expenditure are now under the consideration of Prasar Bharati and once the observations are forwarded to Ministry of Information and Broadcasting, they would be placed before the Group of Ministers. All this clearly indicates the casual attitude of the Prasar Bharati and the Ministry of Information and Broadcasting on various issues related to capital restructuring, funding pattern and status of employees etc. While reiterating the earlier recommendation, the Committee strongly recommend that all the issues should be finalized in consultation with the Prasar Bharati and the concerned Ministries/Departments within a stipulated time frame so that a permanent solution is worked out for the effective functioning of Prasar Bharati.

C. Check on violation of the content/programme/advertising code

Recommendation (Para No. 21)

13. The Committee had recommended as under:—

“The Committee note that the Ministry of Information and Broadcasting have set up an Electronic Media Monitoring Centre (EMMC) 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 rating 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 code 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 three pillars in place simultaneously, then only an effective monitoring system can emerge to check any violation of the content/programme/advertising code 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.”

14. The Ministry of Information and Broadcasting in their Action Taken Note have *inter-alia* replied as under:—

“For putting in place a Regulator, there is a need for an enabling legislation. Government has been considering bringing a

comprehensive legislation to regulate broadcasting services which, *inter-alia*, proposed to set up a regulatory authority for broadcasting services. A draft of the Broadcasting Services Regulation Bill has been discussed with stakeholders soliciting their views and accordingly the proposed draft of Broadcasting Services Regulation Bill was redrafted wherever required keeping in view the comments of stakeholders including States/UTs. The draft Bill was also discussed in the 26th SIMCON on 18-19 September, 2007 with the representatives of States. It was decided to seek comments of States/UTs after the said conference. Accordingly, the then Hon'ble Minister of Information and Broadcasting addressed a letter on 9th October, 2007 to all Chief Ministers of States/UTs. Secretary I&B also addressed D.O. letters to Chief Secretaries of all States/UTs on 7.11.2007 seeking comments of the State/UTs Governments. Last reminder at the level of Minister of Information and Broadcasting was sent on 14.09.2009 in connection with discussion of proposed bill in 27th SIMCON. Only 24 States/UTs (18 States and 6 UTs) have responded so far with their comments on the proposed draft of the Broadcasting Services Regulation Bill. Final view on the Bill will be taken once the comments are received from remaining States/UTs and consensus is arrived at with all stakeholders. Electronic Media Monitoring Cell (EMMC) was set up with the objective of monitoring content on Television channels reporting cases of violation of programme and Advertising Codes to the Government/Regulator which is being done by it and to that extent it has been able to achieve its aim. However, in the absence of a Regulator, EMMC is not sufficient to tackle the manipulation in ratings as observed in the Report. It may, however, be mentioned that any manipulation of the Rating studies by the Agencies can only be checked by an Independent Audit which has also recommended by TRAI. This will be considered while drafting the guidelines/legislation for regulating TRP Agencies."

15. The Committee note that even when the Ministry admit that Electronic Media Monitoring Centre (EMMC) alone would not be able to tackle effectively the monitoring of violations of the content/programme/advertising codes and manipulation in ratings as it is just one of the three pillars in the Ministry's overall vision, the other two being Regulator and a 'Legislation', the finalization of the comprehensive legislation covering all the issues is being unduly

delayed as reflected in the action taken note. While deploring the lackadaisical attitude and lack of urgency on the part of the Ministry on such an important issue, the Committee recommend that urgent steps be taken to ensure that aforesaid Bill sees the light of the day at the earliest.

D. Legality of the reference made to Telecom Regulatory Authority of India

Recommendations (Para Nos. 28 and 29)

16. The Committee had recommended as under:—

“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.

Recommendation (Para No. 28)

The Committee also note with deep regret that TRAI has written to the Ministry of Information and 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 the 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."

Recommendation (Para No. 29)

17. The Ministry in their Action Taken Notes have submitted as under:—

"Although Television in India has been in existence for nearly five decades now, it is only recently that the number of channels has grown exponentially. From two channels prior to 1990–91, Indians viewers were exposed to more than 50 channels by 1996 and to 360 as in June, 2008. The number has further grown to 422 till February, 2009. The Ministry has been conscious of the role the Audience Measurement system plays on the common viewers. Discussions with TAM Media Research regarding methodology of collecting viewership data, its utility/usefulness and for possibility of manipulation as well as its effect on the TV channels in general leading to broadcasting of sensational issues or create sensational news out of innocuous news began in April, 2007 and TAM Media Research was asked to make a presentation before the Hon'ble MIB on 20.7.2007. Further, meeting at the level of Secretary(IB) was held in August, 2007 with a-MAP and a meeting with large number of stakeholders was held under the chairmanship of Hon'ble MIB on 7.10.2007. Many more such meetings and discussions were also held from time to time. Therefore, it may be seen that efforts made by the Government were for eliciting expert response and was duly responded to by TRAI. The Government is fully conscious of the

impact of rating and is of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully considered while formulating the guidelines/legislation on the subject."

Reply to the Recommendation (Para No. 28)

18. Further, the Ministry in their Action Taken Note have submitted as under:—

"The TRAI has not specifically written to this Ministry that rather than creating a separate regulator, the content may also be assigned to them. However, while making its recommendations on formation of Policy Guidelines for Television Audience Measurement/Television Rating Points, it recommended that in view of significant influence exercised by Content on the society, the regulation of content should also be transferred to TRAI. Till a final view is taken on the draft Broadcasting Bill and the setting up of an independent broadcast regulator for the recommendation that regulation of content should be assigned to TRAI without any further delay may be premature at this stage and will require wider consultation with stakeholders."

Reply to the Recommendation (Para No. 29)

19. While noting that there is a lot of merit in the logic of TRAI to have both the carriage and content aspects under them for a holistic and comprehensive approach, the Committee had recommended that in the view of the ground situation and till the final view on the draft Broadcasting Bill emerges, regulation of content which is governed by the Advertisement and Programme Code of the Cable TV Networks (Regulations) Act, 1995 should be assigned to TRAI without any further delay. The Ministry has not accepted the recommendation of the Committee on the plea that it would be pre-mature to assign content aspect to TRAI till a final view is taken on the draft Broadcasting Bill and the setting up of an independent Broadcast regulator for which wider consultations with other stakeholders are required. The Ministry has further stated that TRAI has not specifically written to assign content to them, however, while making its recommendations for

formation of policy guidelines for television audience measurement/television rating points, TRAI recommended for transfer of regulation of content to them. The Committee are unable to comprehend the difference between TRAI directly writing to the Ministry on an issue or submitting its suggestion while considering some related issue. The Committee conclude from the aforesaid position that the pleas made by the Ministry are simply the delaying tactics. The Ministry are neither finalizing the content regulation legislation nor giving any heed to the interim measures suggested by the Committee. The Committee again emphasize that the content regulation legislation should be introduced in Parliament expeditiously and till the enactment is made, the suggestion of TRAI should be considered seriously particularly when Chairman TRAI had submitted before the Committee that all over the world, the telecom regulator remained responsible for both transmission and content aspects of broadcasting. The decision on the issue should be arrived at and the Committee informed accordingly.

E. Comprehensive Legislation on Broadcasting Services

Recommendations (Para Nos. 31 and 32)

20. The Committee had recommended as under:—

“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 Government’s 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 up-linking of TV channels, DTH, FM Radio, Community Radio, down-linking 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.

Recommendation (Para No. 31)

The Committee, however, have a nagging feeling that the Ministry's approach towards this important matter lacks the requisite seriousness. Such prolonged consultation 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."

Recommendation (Para No. 32)

21. The Ministry of Information and Broadcasting in their Action Taken Notes *inter-alia* replied as under:—

"Government has been considering bringing a comprehensive legislation to regulate broadcasting services which *inter-alia* proposed to set up a regulatory authority for broadcasting services. A draft of the Broadcasting Services Regulation Bill has been discussed with stakeholders soliciting their views and accordingly the proposed draft of Broadcasting Services Regulation Bill was redrafted wherever required keeping in view the comments of stakeholders and posted on the website of the Ministry in July, 2007 soliciting further views of stakeholders including States/UTs. In the 26th SIMCON held in September, 2007, the States expressed an urgent need to put in place an independent and autonomous regulator and urged the Government to pass a Broadcasting Bill at the earliest. Accordingly, the draft of the proposed Broadcasting Services Regulation Bill, 2007 was circulated for eliciting the views of the States/UTs. Only 24 States/UTs (18 States and 6 UTs) have so far submitted their comments on the proposed Bill. It is observed from the comments received so far, that while all of them have in principal agreed with the Bill, a few States/UTs have made certain suggestions. The States have welcomed the idea of having some

regulatory powers as proposed in the Bill. The Government is striving to build a consensus on an acceptable draft for introduction in Parliament. The matter has again been discussed by the Hon'ble State Information Ministers in 7th SIMCON held on 5th December, 2009. Ministry has taken a fresh initiative for setting up of an Independent Broadcasting Regulator and a series of consultations with stakeholders by way of wide ranging consultation process that has been started for meeting with the objective of achieving consensus on the Content Code and putting the Broadcasting Regulator in place. HMIB has already held discussions with media heads on 10.7.2009. Subsequently, Secretary level meetings have been held with various stakeholders. Meetings with Indian Broadcasting Federation (IBF), Multi System Operator's Alliance, News Broadcasters Association (NBA), Cable Operators Federation of India (COFI), Advertising Standards Council of India and Broadcasting Editors Association. To take the process further, a Task Force has been constituted on 27.11.2009 under the Chairmanship of Secretary, I&B with two representatives each from News Broadcasters Association, Indian Broadcasting Foundation and Broadcast Editors Association. The Task Force would interact with the different stakeholders to understand their perspective on the need, scope and jurisdiction, organizational structure, powers and functions of independent Broadcast regulator and issues relating to regulation of content. The Task Force held its first meeting on 29th December, 2009 to discuss the methodology, to identify various groups, frequency of meetings etc. The Task Force proposed to furnish its recommendations to the Government within two months."

22. The Committee had observed that a suitable legislation on the broadcasting is yet to be materialized despite the Supreme Court judgment way back in 1995 and had asked the Government to fructify a self enabling, people friendly and comprehensive legislation on broadcasting services without wasting any further time. However, the action taken note reveal that inspite of having wider consultations with different stakeholders such as Indian Broadcasting Federation, Multi System Operator's Alliances, News Broadcasting Association, Cable Operators Federations of India, Advertising Standard Council of India and Broadcasting Editors Association and discussions at various

fora for such a long time, the Government seemed to have not reached at a logical end.

The Committee note that a Task Force has now been constituted under the Chairmanship of Secretary, Ministry of Information and Broadcasting with two representatives each from the News Broadcasters Association, Indian Broadcasting Foundation and Broadcast Editors Association to interact with different stakeholders to understand their perspectives on the need, scope and jurisdiction, organizational structures, powers and functions of independent Broadcast Regulator and issues relating to regulation of contents. The Task Force was to submit its report within 2 months from the date of constitution *i.e.* 29th December, 2009. The Committee hope that the consultations by Task Force would have been over by now and the Ministry would be in a position to take the final view on the legislation. The Committee are of the opinion that the most affected party in this State of affair is the public and as such the comprehensive legislation covering all the issues including content regulation should be introduced in Parliament without any further delay.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Para No. 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, evaluative/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 viewers' 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, utilizing 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 utilizing the data of the private agencies in the fulfillment 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 utilizing the data of the private agencies and its audience research system becomes broad based.

Action Taken by the Government

Doordarshan (DD) has already brought to the notice of the Parliamentary Committee the fact of TAM's coverage areas and meters locations being mainly C&S homes and thus favouring satellite channels at the cost of Doordarshan. Hence Doordarshan is supplementing its Audience Research data with TAM data. As there is no other currency available to give the holistic picture and acceptable to the industry

DD is also using the same data. DD is also processing the proposals of a-MAP and TMR to offer adequate competition to TAM. As a-MAP proposes to cover small towns and rural areas, it could be more representative of the Indian TV audience. It may also boost DD viewership ratings, resulting in a possibly greater share of the ad market.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 TRP 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 rating system of Doordarshan the best one.

Action Taken by the Government

Doordarshan (DD) has informed that it is planned to cover the entire country by considering the a-MAP proposal and simultaneously strengthening the DART of DD. The sample size of DART being increased gradually to 14,400 from the present 5200.

In addition to this as suggested by the committee to chalk out an alternative method containing all the positive features already existing in DART, DD has planned to have a viewership survey throughout the country with one lakh sample size once in a year. This survey would cover all regions to give an in depth picture of diverse characteristics of various socio-economic groups.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 compulsion on Prasar Bharati to have a tie-up with TAM Media Research, inspite of its obvious weaknesses in the rating system and 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 per cent 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 seems 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.

Action Taken by the Government

The Committee has recommended Prasar Bharati to seriously consider the proposal of a-MAP and TMR. Since the a-MAP's proposal was given one and half year back, DD has informed that a-MAP had been asked to send an updated proposal after including monitoring of the emerging technologies in rural areas. After receiving the proposal, the same would be processed by DD. DD has informed that TMR's proposal had been received and after the presentation made by them, the proposal has been examined by the technical and finance wings of Doordarshan which have advised to go for open tendering process according to financial rules. The terms and Conditions of the tender documents are being prepared for a pilot project for a 3 months pilot project study to evaluate the utility of TMR's proposal in the next financial year 2009-10.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 broaden 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 organization. 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 the DART has outlived its utility/credibility, should formulate certain concrete proposals in consultation with the Ministry so that an alternative to 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 recognized by TRAI.

Action Taken by the Government

Doordarshan has informed that it is planned to enlarge the panel for the DART study. For quick retrieval of data, system more efficient processing of the panel diary system is being worked out. For designing the system for efficient data utilization, computer experts would be involved to revamp the present system. This would be in addition to the present system of TAM as well as the a-MAP proposal.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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, they 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 utilized 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 realize the ground realities and take all possible measures to ensure that Doordarshan gets adequate advertisements and its viewership rating soars.

Action Taken by the Government

Doordarshan has concurred that the viewership of DD channels is not being properly reflected in the TRPs as terrestrial homes and homes in different parts of the country are not covered by TAM. The Ministry agrees with the Committee that ratings should properly reflect the combined strength of Doordarshan viewership pattern in terrestrial, C&S homes and DTH. It would help Doordarshan to project true picture of viewership to its clients. This matter has been taken up by Doordarshan with the TAM for working out a combined consolidated data.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 in place 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.

Action Taken by the Government

The Ministry concurs with the views of the Committee that poor reception quality of Doordarshan Channels has resulted in loss of viewership and advertisement revenue. To enable Doordarshan to generate more TRPs and revenue and strongly enforce the cable TV Network (Regulation) Act, 1995 so as to translate into higher viewership and revenue, DD has opened cable cells in all regional kendras to receive and monitor and redress complaints about the quality of signals in C&S Homes.

The Section 4A (2) of the Cable Television Networks(Regulation) Act 1995 provides that If the Central Government is satisfied that it is necessary in the public interest so to do, it may, be notification in the Official Gazette, specify one or more free-to-air channels to be included in the package of channels forming basic service tier and any or more such channels may be specified, in the notification, genre-wise for providing a programme mix of entertainment, information, education and such other programmes. Further, Section 8 of the Act provides compulsory transmission of Doordarshan channels:-

- (1) Every cable operator shall re-transmit –
 - (i) channels operated by or on behalf of Parliament in the manner and name as may be specified by the Central Government by notification in the Official Gazette;
 - (ii) at least two Doordarshan terrestrial channels and one regional language channel of a State in the prime band, in satellite mode on frequencies other than those carrying terrestrial frequencies.

- (2) The channels referred to in sub-section (1) shall be re-transmitted without any deletion or alteration of any programme transmitted on such channels.
- (3) The Prasar Bharati (Broadcasting Corporation of India) established under sub-section (1) of section 3 of the Prasar Bharati(Broadcasting Corporation of India) Act, 1990 (25 of 1990) may, by notification in the Official Gazette, specify the number and name of every Doordarshan channel to be re-transmitted by cable operators in their cable service and the manner of reception and re-transmission of such channels.

The Ministry *vide* order dt. 19.02.2008, issued Directives to monitor the availability of free-to-air channels and channels notified for mandatory carriage on cable networks to State and Distt. level Monitoring Committee for Pvt. Television Channels.

In addition DD has informed that they have taken the following steps to improve the quality of the programming and generating more revenues;—

1. Marketing divisions have been established at nine places in India for direct marketing of Doordarshan programmes.
2. Doordarshan has already launched the scheme of self-financed commissioning. It is helping in increasing revenue generation and enhancing the quality of programming.
3. Doordarshan is now acquiring films from the rights holders directly to increase the popularity of the channels. As a result, revenue from films during prime time on DD National has doubled.
4. A division known as Development Communication Division has been functioning for taking care of govt. business. This division is responsible for procuring businesses from various govt. departments and public sector undertakings. This initiative has also succeeded in increasing revenues and quality of in-house programmes.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 27)

As stated previously in the Report, the system of television audience measurement has been in existence in the Country for last one and 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 and 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 rating business, that the Ministry woke up from slumber and asked TRAI on 17th 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 monopolize the rating 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 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 and Broadcasting, in the opinion of the Committee was a knee jerk reaction in response to the Committee ongoing examination and the mounting concerns and dissatisfaction being expressed by media, consumer groups, broadcasters, other stakeholders, etc.

Action Taken by the Government

Although Television in India has been in existence for nearly five decades now, it is only recently that the number of channels has grown exponentially. From two channels prior to 1990-91, Indian viewers were exposed to more than 50 channels by 1996 and to 360 as in June, 2008. The number has further grown to 457 till 15th April, 2009. The Ministry has been conscious of the role the Audience Measurement system plays on the common viewers. Discussions with TAM Media Research regarding methodology of collecting viewership data, its utility/usefulness and for possibility of manipulation as well as its effect on the TV channels in general leading to broadcasting of sensational issues or create sensational news out of innocuous news began in April 2007 and TAM Media Research was asked to make a presentation before the Hon'ble Minister of Information and Broadcasting on 20.7.2007. Further, meeting at the level of Secretary (IB) was held in August, 2007 with a-MAP and a meeting with large number of stakeholders was held under the chairmanship of Hon'ble Minister of Information and Broadcasting on 7.10.2007. Many more such meetings and discussions were also held from time to time. Thus, it is humbly submitted that the efforts made by the Government

were not in the nature of knee-jerk reaction in response to the examination by the Hon'ble Committee but were continuing in parallel. The Government is fully conscious of the impact of rating and is of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully considered while formulating the guidelines/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE
DO NOT DESIRE TO PURSUE IN VIEW OF THE
REPLIES OF THE GOVERNMENT

—NIL—

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND REQUIRE REITERATION

Recommendation (Para No. 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 per cent 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.

Action Taken by the Government

In order to tackle the acute staff shortage and to strengthen the AR unit, Prasar Bharati proposes to combine the present staff of the

AR units of AIR and DD as advised by the Committee. This synergy would strengthen the Research team at headquarters and help in posting sufficient staff in select regions as per requirement.

The Ministry initiated cadre review of Audience Research Staff in order to remove stagnation of officers in the Audience Research Unit. However, the exercise had to be closed as it was advised by Internal Finance Division that such cadre review should not be undertaken in isolation for particular Unit and it has to be part of the overall review of Prasar Bharati. The Prasar Bharati has entrusted a study for overall organizational restructuring to National Productivity Council (NPC). The consolidated report of NPC has still not been received in Ministry.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 performances is because the Government have unduly delayed decisions on the organizational 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.

Action Taken by the Government

In order to strengthen Prasar Bharti, the Government on 7th March 2006 constituted a Group of Ministers to examine various issues pertaining to the functioning of Prasar Bharati including Capital Restructuring and funding pattern for Prasar Bharati, status of employees issue amongst

others. Group of Ministers has recommended that all employees recruited on or before 05.10.2007 shall be treated as Government employees on deemed deputation to Prasar Bharati with all benefits eligible to Government employees. The Cabinet approval has been obtained on 28.01.2009 and notice for introduction of Bill was issued to the Bill section of Rajya Sabha on 24.02.09 but could not be taken up in the last session of the Rajya Sabha. This initiative will address concern of about 38000 employees about their future.

[Ministry of Information and Broadcasting, BC-II Section
O.M. No. 3103/3/2207-BC-II (Vol. III), dated 20.01.2010]

Comments of the Committee

(Please *see* Para No. 12 of the Chapter-I)

Recommendation (Para No. 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 rating 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 code 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 three pillars in place simultaneously, then only an effective

monitoring system can emerge to check any violation of the content/ programme/advertising code 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.

Action Taken by the Government

For putting in place a Regulator, there is a need for an enabling legislation. Government has been considering bringing a comprehensive legislation to regulate broadcasting services which, *inter-alia*, proposed to set up a regulatory authority for broadcasting services. A draft of the Broadcasting Services Regulation Bill has been discussed with Stakeholders soliciting their views and accordingly the proposed draft of Broadcasting Services Regulation Bill was re-drafted wherever required keeping in view the comments of stakeholders including States/UTs. The draft Bill was also discussed in the 26th SIMCON on 18-19 September, 2007 with the representatives of States. It was decided to seek comments of States/UTs after the said conference. Accordingly, the then Hon'ble Minister of Information and Broadcasting addressed a letter on 9th October, 2007 to all Chief Ministers of States/UTs. Secretary, I&B also addressed D.O. letters to Chief Secretaries of all State/UTs on 7.11.2007 seeking comments of the State/UTs Governments. Last reminder at the level of Secretary, I&B was sent on 23.01.2009. Only 15 States/UTs have responded so far with their comments on the proposed draft of the Broadcasting Services Regulation Bill. Final view on the Bill will be taken once the comments are received from remaining States/UTs and consensus is arrived at with all stakeholders.

Electronic Media Monitoring Cell (EMMC) was set up with the objective of monitoring content on Television channels reporting cases of violation of programme and Advertising Codes to the Government/ Regulator which is being done by it and to that extent it has been able to achieve its aim. However, in the absence of a Regulator, EMMC is not sufficient to tackle the manipulation in ratings as observed in the Report. It may, however, be mentioned that any manipulation of the Rating studies by the Agencies can only be checked by an Independent Audit which has also being recommended by TRAI. This will be

considered while drafting the guideline/legislation for regulating TRP Agencies.

[Ministry of Information and Broadcasting, BC-II Section O.M. No. 3103/3/2207-BC-II (Vol. III), dated 20.01.2010]

Comments of the Committee

(Please *see* Para No. 15 of the Chapter-I)

Recommendation (Para No. 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.

Action Taken by the Government

Although Television in India has been in existence for nearly five decades now, it is only recently that the number of channels has grown exponentially. From two channels prior to 1990-91, Indian viewers were exposed to more than 50 channels by 1996 and to 360 as in June, 2008. The number has further grown to 422 till February, 2009. The Ministry has been conscious of the role the Audience Measurement system plays on the common viewers. Discussions with TAM Media Research regarding methodology of collecting viewership data, its utility/usefulness

and for possibility of manipulation as well as its effect on the TV channels in general leading to broadcasting of sensational issues or create sensational news out of innocuous news began in April 2007 and TAM Media Research was asked to make a presentation before the Hon'ble MIB on 20.7.2007. Further, meeting at the level of Secretary (IB) was held in August, 2007 with A—MAP and a meeting with large number of stakeholders was held under the chairmanship of Hon'ble MIB on 7.10.2007. Many more such meetings and discussions were also held from time to time. Therefore, it may be seen that efforts made by the Government were for eliciting expert response and was duly responded to by TRAI. The Government is fully conscious of the impact of rating and is of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the hon'ble Committee shall be carefully considered while formulating the guidelines/legislation on the subject.

[Ministry of Information and Broadcasting, BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III), dated 20.01.2010]

Comments of the Committee

(Please *see* Para No. 19 of the Chapter-I)

Recommendation (Para No. 29)

The Committee also note with deep regret that TRAI has written to the Ministry of Information and 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 the 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.

Action Taken by the Government

The TRAI has not specifically written to this Ministry that rather than creating a separate regulator, the content may also be assigned to them. However, while making its recommendations on formation of Policy Guidelines for Television Audience Measurement/Television Rating Points, it recommended that in view of significant influence exercised by Content on the society, the regulation of content should also be transferred to TRAI. Till a final view is taken on the draft Broadcasting Bill and the setting up of an independent broadcast regulator for the recommendation that regulation of content should be assigned to TRAI without any further delay may be premature at this stage and will require wider consultation with stakeholders.

[Ministry of Information and Broadcasting, BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III), dated 20.01.2010]

Comments of the Committee

(Please *see* Para No. 19 of the Chapter-I)

Recommendations (Para Nos. 31 and 32)

The Committee are highly perturbed to note that a suitable legislation on broadcasting is yet to see that 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.

Recommendation (Para No. 31)

The Committee, however, have a nagging feeling that the Ministry's approach towards this important matter lacks the requisite seriousness. Such prolonged consultation 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.

Recommendation (Para No. 32)

Action Taken by the Government

Government has been considering bringing a comprehensive legislation to regulate broadcasting services which *inter-alia* proposed to set up a regulatory authority for broadcasting services. A draft of the Broadcasting Services Regulation Bill has been discussed with Stakeholders soliciting their views and accordingly the proposed draft of Broadcasting Services Regulation Bill was redrafted wherever required keeping in view the comments of stakeholders and posted on the website of the Ministry in July, 2007 soliciting further views of Stakeholders including States/UTs. The draft Bill was also discussed in the 26th SIMCON on 18-19 September, 2007 with the representatives of States. It was decided to seek comments of States/UTs after the said conference. Accordingly, the then Hon'ble Minister of Information and Broadcasting addressed a letter on 9th October, 2007 to all Chief Ministers of States/UTs. Secretary, I&B also addressed D.O. letters to Chief Secretaries of all State/UTs on 7.11.2007 seeking comments of the State/UTs Governments. Last reminder at the level of Secretary, I&B was sent on 23.01.2009.

Only 15 States/UTs have responded so far with their comments on the proposed draft of the Broadcasting Services Regulation Bill. Final

view on the Bill will be taken once the comments are received from remaining States/UTs and widest consultation with all stakeholders.

[Ministry of Information and Broadcasting, BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III), dated 20.01.2010]

Comments of the Committee

(Please *see* Para No. 22 of the Chapter-I)

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES ARE OF INTERIM NATURE

Recommendation (Para No. 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. 8000 crore. The Committee have been given to understand that as per industry estimation, the E&M Industry would be 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 rating 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 viewerships 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 clamor 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.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that TRP ratings may not be an accurate index of viewership. Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 (DART). 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, 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.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that TRP ratings may not be an accurate index of viewership and transparency and due authenticity. Because of this, the Ministry

suo motu referred the matter to Telecom Regulatory Authority of India (TRAI) for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 3)

The main aims and objectives of the rating 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 act detriment to the aims and objectives of the rating system. Most importantly, the likes, dislikes and interests of the viewers largely remain unaddressed by the extant rating system. The Committee are surprised to observe that although the extant rating 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 rating 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.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that TRP ratings may not be an accurate index of viewership.

Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government. This Ministry is equally concerned that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of honourable MIB with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI), and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. The observations of the Hon'ble Committee shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 States in 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 rating system can neither

be comprehensive nor be foolproof without covering all the States and most importantly without reflecting the preference of rural India. Even if all the 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.

Action Taken by the Government

Due to the initiative taken by this Ministry, both the rating agencies *viz.* TAM and a-Map have increased the number of these people meters covering States of Bihar, Assam and Jharkhand. However, this step may not be adequate in itself. The Ministry is in agreement with the observations of the Hon'ble Committee that TRP ratings may not be an accurate index of viewership. Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government. This Ministry is equally concerned that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers, ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of Hon'ble Minister of Information and Broadcasting with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. Recommendations of the Hon'ble Committee shall be taken into consideration while formulating such guidelines/legislation. TRAI's recommendations in this respect shall also be considered so that urban bias in the rating system is eliminated to the extent possible.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 viewer's 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.

Action Taken by the Government

This Ministry shares the concern of the Hon'ble Committee that the interest of the viewers is not considered in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers ratings system for TV is based merely on 7000 people meter. Consultations have, accordingly, been held even at the level of Hon'ble Minister of Information and Broadcasting with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. Recommendations of the Hon'ble Committee and TRAI regarding sample size shall be taken into

consideration while formulating such guidelines/legislation so that urban bias in the rating system is minimized.

[Ministry of Information and Broadcasting BC-II Section O.M.
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Recommendation (Para No. 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 household being rotated every six months. Meaning, thereby, that they would take at least 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 TRPs 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 anti-competitive measures to distort the competition.

Action Taken by the Government

This Ministry shares the concern of the Committee that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers, ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of Hon'ble MIB with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, Consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. Recognizing that, as of now, TV ratings are purely market-driven and there is no law/guideline to regulate the same, the recommendations of the Hon'ble Committee shall be taken into consideration while formulating such guidelines.

TRAI's recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. In view of the issue of TV ratings being studied by Government authorities, Television audience research agency has of late started covering digital platforms also. However, because of the limited number of people meters, it may not be an adequate step. This issue shall also be considered while formulating comprehensive guidelines/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 TRP rating 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 rating system but also ensure that it is in tune with the best in the world.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that present measurement system suffers from many drawbacks. Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government. This Ministry is equally concerned that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of Hon'ble MIB with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, Consumer forums

and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. However, as of now, TV ratings are purely market-driven and there is no law/guideline to regulate the same. Recommendations of the Hon'ble Committee shall be taken into consideration while formulating such guidelines/legislation. TRAI's

recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. In view of the issue of TV ratings being studied by Government authorities, Television audience research agency has of late started covering digital platforms also. However, because of the limited number of people meters, it may not be an adequate step. This issue shall also be considered while formulating comprehensive guidelines/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 rating 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 rating system. The Indian Broadcasting Foundation has also expressed similar views. The Committee, therefore, recommend that in view of the pressing need for making the rating 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.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that the present measurement system does not ensure a holistic view of the viewers' preferences. Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government. This Ministry is equally concerned that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of Hon'ble MIB with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, Consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research

Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. However, as of now, TV ratings are purely market-driven and there is no law/guideline to regulate the same. Recommendations of the honorable Committee shall be taken into consideration while formulating such guidelines. TRAI's recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. In view of the issue of TV ratings being studied by Government authorities, Television audience research agency has of late started covering digital platforms also. However, because of the limited number of people meters, it may not be an adequate step. This issue shall also be considered while formulating comprehensive guidelines/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 rating 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. Prasara 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. Prasara Bharati has also opined that cross holdings by the stakeholders in the bodies that make up the rating agencies is another reason why the new players are likely to face unfair barriers. According to the IBF, the broadcasters themselves are not satisfied with the existing monopoly in the rating 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, recommends 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.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that at present there is insufficient competition in the rating system and viewers' choice are not truly reflected. Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government. This Ministry is equally concerned that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers, ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of honorable MIB with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, Consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian

Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. However, as of now, TV ratings are purely market-driven and there is no law/guideline to regulate the same. Recommendations of the honorable Committee shall be taken into consideration while formulating such guideline/legislation. TRAI's recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. In view of the issue of TV ratings being studied by Government authorities, Television audience research agency has of late started covering digital platforms also. However, because of the limited number of people meters, it may not be an adequate step. This issue shall also be considered while formulating comprehensive guidelines/legislation on the subject. TRAI has recommended that Government should not directly intervene and that the industry led body, BARC should self-regulate TV rating system. As per TRAI, Self-regulation should aim to achieve the following objectives:—

- Continuous improvement in quality and method of rating system, to provide accurate, up to date and relevant findings;
- To maintain the highest possible standards of integrity and to ensure that its finding are not misused/manipulated by anyone to convey a wrong impression
- To promote, maintain and uphold fair, ethical and healthy practices relating to ratings and its views;
- Discourage unfair or deceptive practices employed in connection with the sale or views of ratings; and
- Observe and enforce the conditions and standards/norms prescribed by the Government for the rating process

However, BARC has responded as follows:—

“BARC supports the principles and objectives of self regulation and self administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government self regulation and Government intervention are a clear contradiction in terms. The first four objectives listed here described the stated objectives of BARC. However, to observe and enforce conditions/norms prescribed by the Government cannot be an objective of self-regulation. This is a clear contradiction in terms.”

As mentioned earlier, final recommendations of TRAI have been received and further action will be taken in consultation with the various stakeholders on the basis of consensus.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 10)

According to some eminent TV and film personalities, with whom the Committee interacted during their study visits to different places, the 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 rating 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.

Action Taken by the Government

The Ministry is in agreement with the observations of the Hon'ble Committee that the present TRP ratings lack complete transparency and reliability. Because of this, the Ministry *suo motu* referred the matter to TRAI for their recommendations in January, 2008. The final recommendations of the TRAI have been received and are under active consideration of the Government. This Ministry is equally concerned that the interest of the viewers is not appropriately reflected in the methodology adopted by the rating agencies because in a vast country like India which has approx. 130 million TV viewers ratings system for TV is based merely on 7000 people meter. Therefore, consultations have been held even at the level of Hon'ble MIB with the rating agencies like TAM, a-MAP as well as the Broadcasting Organisations, Consumer forums and other stakeholders. The Ministry also held a meeting on 18.12.2008 with the representatives of Broadcasting Audience Research Council (BARC), Indian Broadcasting Foundation (IBF), National Council of Allied and Economic Research (NCAER), Indian Society of Advertisers (ISA), Advertising Agencies Association of India (AAAI) and Ministry of Statistics and Programme Implementation to discuss the final recommendation of TRAI on Television Audience Measurement/Television Rating Points. However, as of now, TV ratings are purely market-driven and there is no law/guideline to regulate the same. Recommendations of the honorable Committee shall be taken into consideration while formulating such guidelines/legislation. TRAI's recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. In view of the issue of TV ratings being studied by Government authorities, Television audience research agency has of late started covering digital platforms also. However, because of the limited number of people meters, it may not be an adequate step. This issue shall also be considered while formulating comprehensive guidelines/legislation on the subject. TRAI has recommended that Government should not directly intervene and that the industry led body, BARC should self-regulate TV rating system. As per TRAI Self-regulation should aim to achieve the following objectives:—

- Continuous improvement in quality and method of rating system, to provide accurate, up to date and relevant findings;
- To maintain the highest possible standards of integrity and to ensure that its finding are not misused/manipulated by anyone to convey a wrong impression;
- To promote, maintain and uphold fair, ethical and healthy practices relating to ratings and its views;

- Discourage unfair or deceived practices employed in connection with the sale or views of ratings; and
- Observe and enforce the conditions and standards/norms prescribed by the Government for the rating process

However, BARC has responded as follows:—

“BARC supports the principles and objectives of self regulation and self administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government self regulation and Government intervention are a clear contradiction in terms. The first four objectives listed here described the stated objectives of BARC.

Recommendations of TRAI and comments of industry-led body BARC are as follows:—

TRAI Recommendation	BARC Comment
(1)	(2)
<p>Functions</p> <p>BARC shall not undertake audience measurement directly and shall resort to an open, transparent and competitive bidding process for the various stages involved in the rating process; including (a) establishment survey (b) panel design and quality control (c) recruiting and metering, data collection and processing and (d) Audit.</p>	<p>BARC will commission, and own result of all studies. Actual field work will be carried out by market research service providers chosen through an open, transparent and competitive bidding process.</p>
<p>Methodology</p> <p>The Ministry of Information and Broadcasting shall provide the key eligibility norms for the selection of rating agencies and also provide performance obligation norms including scope of work in the Request for Proposal (RFP) issued by BARC for appointment of rating agencies. These will be duly considered by the Technical</p>	<p>It is for the user groups to determine eligibility and performance norms, through such means as they consider appropriate to the task. The Technical Committee is a committee of experts, meant to work autonomously of the Board of BARC. What specialist knowledge or demonstrated</p>

(1)	(2)
Committee while finalizing the relevant BARC documents.	expertise MIB has in this regard is not evident.
<p>Reporting Requirements</p> <p>BARC shall provide such information and reports as may be asked for by the Ministry of Information and Broadcasting from time to time. The Ministry shall maintain confidentiality of the information thus provided, if so desired by BARC. However, the addresses and location of homes where people meter are installed shall not be reported to the Ministry.</p> <p>(b) The reports shall be made available in a transparent and equitable manner. BARC shall display the rate card for the various reports and discounts offered thereon on its website.</p>	<p>BARC as a duly constituted not for profit company under the Companies Act will comply with all statutory and other reporting obligations pertinent to a company of its nature. The confidentiality of the addresses of homes where meters are installed is vital to the integrity of an audience measurement system, and BARC appreciates that acknowledgement. Transparency is one of the tenets of BARC.</p>
<p>Complaint Redressal mechanism</p> <p>BARC shall have in place a complaints Redressal mechanism, which shall be responsible for handling complaints, shortcomings and deficiencies in the rating system brought to notice by Board of Directors, consumer organizations, users of ratings and the general public. BARC may consider the model followed by Advertising Standards Council of India (ASCI).</p>	<p>This is indeed the intention of BARC.</p>

As mentioned earlier, final recommendations fo TRAI have been received and action will be taken in consultation with the various stakeholders on the basis of consensue.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 utilize 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.

Action Taken by the Government

Prasar Bharati has informed that as recommended by the committee steps have been taken to remove the impediments like staff constraints, higher allocation to increase the sample of the study and to acquire latest technology for analysis and tabulation of data. It is planned to increase the sample size of the DART survey from the present 5200 to 14400 gradually to cover all the areas in the country so as to get a fair representation of the different socio-economic groups. The rates fixed in 1986 for various services of Data Collection and Panel Motivator etc. are being revised to improve the quality of the data and the personnel engaged in the diary panel system of DART. The tabulation plan and compilation of the data has to be redesigned keeping in view of the growth of the DD channels and presence of different platforms like terrestrial, cable and satellite homes, CAS, DTH etc. Besides this, some Audience Research Units namely, Gorakhpur, Rajkot and Nagpur would be relocated to cover uncovered States.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 rating 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 rating 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 rating 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 IBFs 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 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 to 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 development very carefully and with a fine toothcomb so that the ratings business does not continue unregulated and unfettered and in its present form under the 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.

Action Taken by the Government

Considering the importance of matter, this Ministry had sought the recommendations of TRAI on the entire gamut of television ratings system and the final recommendations have since been received. The relevant recommendations of TRAI and response of BARC on the above is as follows:—

TRAI's Recommendations	BARC Comments
(1)	(2)
<p>Till BARC is fully functional in terms of selection of Rating Agencies, BARC shall engage constructively with the existing rating agencies for resolution of any complaints received in respect of the rating services.</p> <p>BARC shall formalize MOU with the Ministry of Information and Broadcasting to reflect the above feature and the eligibility conditions for selection of rating agencies.</p> <p>Timeframe for Implementation – The Authority expects that the Government will be able to complete processing the recommendations in four weeks and the MOU can be signed between BARC and the Ministry within two weeks thereafter. BARC should become fully functional within eight weeks of signing the</p>	<p>This is indeed the intention of BARC.</p> <p>BARC believes there is no role for government intervention or involvement in this industry initiative. As such, there is no case for such an MOU.</p> <p>There is no case for any government or government-related agency to assess or intervene in the conduct of an initiative taken by industry in the conduct of its own business except if such activity violates the law of the land.</p>

(1)	(2)
<p>MOU. Setting up of functional norms by BARC may take another four weeks and initiation of activity by BARC should get started by January, 2009.</p> <p>The Authority further recommends that if BARC fails to meet with the objectives or is found deficient in its functioning, the Government shall then consider regulation of rating system through TRAI by way of legislative enactment or any other institutional framework.</p>	

However, as recommended by the honorable Committee, these developments shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 22)

The Committee note that internationally the television rating 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 (an 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 organizations 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/TRP system 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.

Action Taken by the Government

Considering the importance of matter, this Ministry had sought the recommendations of TRAI on the entire gamut of television ratings system and the final recommendations have since been received. The relevant recommendations of TRAI and response of BARC on the above is as follows:—

Recommendation of TRAI	Comments of BARC
(1)	(2)
The Authority recommends Self-regulation through the Industry led body, with Government exercising oversight through its nominees in the industry led body and guidelines covering organization, functions and methodology to be adopted for ratings by the Industry led body. The continuance of Government nominees on BARC's board may be reviewed after five years. Such industry led body should be a not-for-profit body registered under the Companies Act, 1956.	BARC supports the principles and objectives of self regulation and self administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government Self regulation and Government intervention are a clear contradiction in terms. The first four objectives listed here described the stated objectives of BARC. However, to observe and enforce conditions/norms prescribed by the Government cannot be an objective of self-regulation. This is a clear contradiction in terms.

(1)	(2)
<p>Self-regulation should aim to achieve the following objectives:—</p> <ul style="list-style-type: none"> • Continuous improvement in quality and method of rating system, to provide accurate, up to date and relevant findings; • To maintain the highest possible standards of integrity and to ensure that its finding are not misused/manipulated by anyone to convey a wrong impression; • To promote, maintain and uphold fair, ethical and healthy practices relating to ratings and its views; • Discourage unfair or deceived practices employed in connection with the sale or views of ratings; and • Observe and enforce the conditions and standards/ norms prescribed by the Government for the rating process. 	<p>The first four objectives listed here describe the stated objective of BARC. However, to “observe and enforce conditions/norms prescribed by the Government” cannot be an objective of self-regulation. This is a clear contradiction in terms.</p>

However, as recommended by the honorable Committee, these developments shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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, 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 agencies and *vice versa*.

Action Taken by the Government

Considering the importance of matter, this Ministry had sought the recommendations of TRAI on the entire gamut of television ratings system and the final recommendations have since been received. The relevant recommendations of TRAI and response of BARC on the above is as follows:—

Recommendation of TRAI	Comments of BARC
(1)	(2)
The Authority recommends Self-regulation through the Industry led body, with Government exercising oversight through its nominees in the industry led body and guidelines covering organization, functions and methodology to be adopted for ratings by the Industry led body. The continuance of Government nominees on BARC's board may be reviewed after five years. Such industry led body should be a not-for-profit body registered under the Companies Act, 1956.	BARC supports the principles and objectives of self-regulation and self-administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government. Self-regulation and Government intervention are a clear contradiction in terms. The first four objectives listed here described the stated objectives of BARC. However, to observe and enforce conditions/norms prescribed by the Government cannot be an objective of self-regulation.This is a clear contradiction in terms.

(1)	(2)
<p>Broadcasting from time to time. The indicative guidelines/standards are attached as Annexure III.</p> <p>The key features of the eligibility conditions, general operational and ethical and disclosure standards are given below:—</p> <p>Essential eligibility conditions for rating agencies</p> <ol style="list-style-type: none"> 1. The Rating Agency is set up and registered as a company under the Companies Act, 1956. 2. The Rating Agency has, in its Memorandum of Association, specified rating activity as one of its main objects. 3. The rating agency has, in its employment, persons having adequate professional and other relevant experience. 4. No single company, legal person, either directly or through its associates, shall have substantial equity holding in more than one Rating agency. "Substantial equity' herein will mean equity of 10% or more". 5. A promoter company/Legal person/Directors of rating agency cannot have stakes in Broadcaster, Advertiser and Advertising agency either directly or through its associates. Similarly, a Broadcaster, Advertiser or Advertising agency shall also not have any stake in rating agencies. 	<p>In order to harness world-class expertise BARC proposes to issue a global RFP for market research agencies/service providers. It is perfectly possible that required expertise may vest in a company not based in India.</p>

(1)	(2)
<p>General Standards</p> <p>6. A rating agency shall, wherever necessary, disclose to the clients, possible sources of conflict of duties and interests, which could impair its ability to make fair, objective and unbiased ratings.</p> <p>7. A rating agency or any of its employees shall not render directly or indirectly any advertisement/advertisement related advice about any channel/channel related programme in the publicly accessible media. Operational and Ethical Standards.</p> <p>8. Appropriate quality control procedures shall be maintained with respect to all external and internal operations which may reasonably be assumed to exert significant effects on the final results.</p> <p>9. Rating has to be technology neutral. Viewership shall be assessed and rating given irrespective of the source of the viewing platform <i>viz.</i> cable TV, DTH, IP TV etc. The Measurement devices must be able to operate on every platform.</p> <p>10. The anonymity of all personnel in any way concerned with sample respondents or households shall be preserved.</p>	

(1)	(2)
<p>11. All weighting or data adjustment procedures utilized by a rating agency in the process of converting basic raw data to rating reports shall be based on systematic, logical procedures, consistently applied by the rating agency and defensible by empirical analysis.</p> <p>Disclosure Standards</p> <p>12. Each report shall include statements calling attention to all omissions, errors and biases known to the rating service which may exert a significant effect on the findings shown in the report.</p> <p>13. Each rating report shall point out changes in or deviations from, the standard operating procedures of the rating service which may exert a significant effect on the reported results. This notification shall indicate the estimated magnitude of the effect.</p> <p>14. Each rating report shall contain standard error data relevant to the audience estimates contained therein. Such data shall be presented whether or not effective sample sizes are shown. The method used to develop standard error estimates as well as the formulas used to compute the standard errors shall be fully disclosed.</p>	

(1)	(2)
15. The rating agency besides publishing the methodology/ process in detail shall also publish the comments/ viewpoint of the users of the rating data on their website.	

However, as recommended by the honorable Committee, these developments shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 24)

The Committee have a lurking suspicion that due to the monopolistic regime prevalent in the extant rating 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 rating 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 TV 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 rating system and to ensure that the manipulations against larger public interest are eliminated.

Action Taken by the Government

Considering the importance of matter, this Ministry had sought the recommendations of TRAI on the entire gamut of television ratings system

and the final recommendations have since been received. The relevant recommendations of TRAI and response of BARC on the above is as follows:—

Recommendation of TRAI	Comments of BARC
(1)	(2)
<p>The Authority recommends Self-regulation through the Industry led body, with Government exercising oversight through its nominees in the industry led body and guidelines covering organization, functions and methodology to be adopted for ratings by the Industry led body. The continuance of Government nominees on BARC's board may be reviewed after five years. Such industry led body should be a not-for-profit body registered under the Companies Act, 1956.</p> <p>Self-regulation should aim to achieve the following objectives:—</p> <ul style="list-style-type: none"> • Continuous improvement in quality and method of rating system, to provide accurate, up to date and relevant findings; • To maintain the highest possible standards of integrity and to ensure that its finding are not misused/manipulated by anyone to convey a wrong impression; • To promote, maintain and uphold fair, ethical and healthy practices relating to ratings and its views; • Discourage unfair or deceived practices employed in connection with the sale or views of ratings; and 	<p>BARC supports the principles and objectives of self regulation and self administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government Self regulation and Government intervention are a clear contradiction in terms.</p> <p>The first four objectives listed here described the stated objectives of BARC. However, to observe and enforce conditions/norms prescribed by the Government cannot be an objective of self-regulation. This is a clear contradiction in terms.</p>

(1)	(2)
<ul style="list-style-type: none"> Observe and enforce the conditions and standards/norms prescribed by the Government for the rating process. <p>Mandatory audits of rating agencies, qualification of auditor, scope of such audit and reporting.</p> <p>The Authority recommends that:—</p> <ul style="list-style-type: none"> There should be comprehensive mandatory audit of the rating system carried out by independent qualified auditing firms having experience of TV ratings audit. The Audit team should comprise of technical experts, statistician, media expert, chartered accountant and legal professional. The audit should be conducted at least once in three years. A copy of the Audit report should be submitted to the Government. 	<p>There will be independent, third-party audit. The frequency and scope of audit will be determined by BARC Board and a summary Auditors' Report will be placed on BARC's website.</p>

However, as recommended by the honorable Committee, these developments shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 rating system brought to notice by the viewers, stakeholders, users, consumer organizations, etc.

Action Taken by the Government

Considering the importance of matter, this Ministry had sought the recommendations of TRAI on the entire gamut of television ratings system and the final recommendations have since been received. The relevant recommendations of TRAI and response of BARC on the above is as follows:—

Recommendation of TRAI	Comments of BARC
(1)	(2)
The Authority recommends Self-regulation through the Industry led body, with Government exercising oversight through its nominees in the industry led body and guidelines covering organization, functions and methodology to be adopted for ratings by the Industry led body. The continuance of Government nominees on BARC's board may be reviewed after five years. Such industry led body	BARC supports the principles and objectives of self regulation and self administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government. Self regulation and Government intervention are a clear contradiction in terms. The first four objectives listed here described the stated objectives of BARC. However, to observe and

(1)	(2)
<p>should be a not-for-profit body registered under the Companies Act, 1956.</p> <p>Self-regulation should aim to achieve the following objectives:—</p> <ul style="list-style-type: none"> • Continuous improvement in quality and method of rating system, to provide accurate, up to date and relevant findings; • To maintain the highest possible standards of integrity and to ensure that its finding are not misused/manipulated by anyone to convey a wrong impression; • To promote, maintain and uphold fair, ethical and healthy practices relating to ratings and its views; • Discourage unfair or deceived practices employed in connection with the sale or views of ratings; and • Observe and enforce the conditions and standards/ norms prescribed by the Government for the rating process. <p>Complaint Redressal mechanism</p> <p>(a) BARC shall have in place a complaints Redressal mechanism, which shall be responsible for handling complaints, shortcoming and deficiencies in the rating system brought to notice by Board of Directors, consumer organizations, users of ratings and the general public. BARC</p>	<p>enforce conditions/norms prescribed by the Government cannot be an objective of self-regulation. This is a clear contradiction in terms. The first four objectives listed here describe the stated objective of BARC. However, to “observe and enforce conditions/norms prescribed by the Government” cannot be an objective of self-regulation. This is a clear contradiction in terms.</p>

(1)	(2)
<p>may consider the model followed by Advertising Standards Council of India (ASCI).</p> <p>(b) Till BARC is fully functional in terms of selection of Rating Agencies, BARC shall engage constructively with the existing rating agencies for resolution of any complaints received in respect of the rating services.</p> <p>BARC shall formalize MoU with the Ministry of Information and Broadcasting to reflect the above features and the eligibility conditions for selection of rating agencies.</p> <p>Timeframe for Implementation – The Authority expects that the Government will be able to complete processing the Recommendations in four weeks and the MoU can be signed between BARC and the Ministry within two weeks thereafter. BARC should become fully functional within eight weeks of signing the MoU. Setting up of functional norms by BARC may take another four weeks and initiation of activity by BARC should get started by January, 2009.</p> <p>The Authority further recommends that if BARC fails to meet with the objectives or is found deficient in its functioning, the Government shall then consider regulation of rating system through TRAI by way of legislative enactment or any other institutional framework.</p>	<p>This is indeed the intention of BARC.</p> <p>BARC believes there is no role for government intervention or involvement in this industry initiative. As such, there is no case for such an MoU.</p> <p>There is no case for any government or government-related agency to assess or intervene in the conduct of an initiative taken by industry in the conduct of its own business except if such activity violates the law of the land.</p>

However, as recommended by the honorable Committee, these developments shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 26)

The Committee note that presently there is no intervention by the Government in the extant rating 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 rating 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 TRP system 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 rating certainly measures 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 rating system. And the rating 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 can not 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 TRP 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, traditional and social ethos.

Action Taken by the Government

Considering the importance of matter, this Ministry had sought the recommendations of TRAI on the entire gamut of television ratings system and the final recommendations have since been received. The relevant recommendations of TRAI and response of BARC on the above is as follows:—

Recommendation of TRAI	Comments of BARC
(1)	(2)
<p>The Authority recommends Self-regulation through the Industry led body, with Government exercising oversight through its nominees in the industry led body and guidelines covering organization, functions and methodology to be adopted for ratings by the Industry led body. The continuance of Government nominees on BARC's board may be reviewed after five years. Such industry led body should be a not-for-profit body registered under the Companies Act, 1956.</p> <p>Self-regulation should aim to achieve the following objectives:—</p> <ul style="list-style-type: none"> • Continuous improvement in quality and method of rating system, to provide accurate, up to date and relevant findings; • To maintain the highest possible standards of integrity and to ensure that its finding are not misused/manipulated by anyone to convey a wrong impression; 	<p>BARC supports the principles and objectives of self regulation and self administration for broadcast audience measurement. This implicitly precludes intervention or oversight, directly or indirectly, by Government. Self regulation and Government intervention are a clear contradiction in terms. The first four objectives listed here described the stated objectives of BARC. However, to observe and enforce conditions/norms prescribed by the Government cannot be an objective of self-regulation. This is a clear contradiction in terms.</p> <p>The first four objectives listed here describe the stated objective of BARC. However, to "observe and enforce conditions/norms prescribed by the Government" cannot be an objective of self-regulation. This is a clear contradiction in terms.</p>

(1)	(2)
<ul style="list-style-type: none"> • To promote, maintain and uphold fair, ethical and healthy practices relating to ratings and its views; • Discourage unfair or deceived practices employed in connection with the sale or views of ratings; and • Observe and enforce the conditions and standards/norms prescribed by the Government for the rating process. <p>The Authority further recommends that if BARC fails to meet with the objectives or is found deficient in its functioning, the Government shall then consider regulation of rating system through TRAI by way of legislative enactment or any other institutional framework.</p>	<p>There is no case for any government or government-related agency to assess or intervene in the conduct of an initiative taken by industry in the conduct of its own business except if such activity violates the law of the land.</p>

However, as recommended by the honourable Committee, these developments shall be carefully considered while formulating the guideline/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 rating system, hitherto, remained unregulated and no policy/guidelines have been laid down by them as the rating 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

broad based and representative. At the cost of sounding repetitive, the Committee would state that with almost 100% geographic 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 rating business, more than a decade back, 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.

Action Taken by the Government

Although Television in India has been in existence for nearly five decades now, it is only recently that the number of channels has grown exponentially and from two channels prior to 1990-91, Indian viewers were exposed to more than 50 channels by 1996 and to 360 as in June, 2008. The number has further grown to 422 till February, 2009. The Ministry has been conscious of the role the Audience Measurement system plays on the common viewers. Discussions with TAM Media Research regarding methodology of collecting viewership data, its utility/usefulness and for possibility of manipulation as well as its effect on the TV channels in general leading to broadcasting of sensational issues or create sensational news out of innocuous news began in April 2007 and TAM Media Research was asked to make a presentation before the Hon'ble MIB on 20.7.2007. Further, meeting at the level of Secretary (IB) was held in August, 2007 with a-MAP and a meeting with large number of stakeholders was held under the chairmanship of Hon'ble MIB on 7.10.2007. Many more such meetings and discussions were also held from time to time. Therefore, it may be seen that appropriate efforts were made by the Government and there was no deliberate inaction on its part. The Government is fully conscious of the impact of rating and is of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully considered while formulating the guidelines/legislation on the subject.

[Ministry of Information and Broadcasting BC-II Section O.M.
No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

Recommendation (Para No. 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 the guidelines are able to effectively put a check on the obscenity, vulgarity and violence content 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.

Action Taken by the Government

The Government is fully conscious of the impact of rating and is of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully considered while formulating the guidelines/legislation on the subject. Being conscious of the impact of instances of obscene, vulgar and violent content on the minds of viewers especially impressionable minors, the Government has been actively involved in the formulation of guidelines to contain such impact. However, certain sections of the media especially the news channels do not see any role for the Government in monitoring of content and have pleaded for complete self regulation by the industry. News Broadcaster Association (NBA) and Indian Broadcasting Foundation (IBF) have formulated their own codes and protocols specially in the aftermath of 26/11/terrorist attack in Mumbai. They have also made a representation before the Government not to go ahead with content code without seeking a consensus. Further, action shall be taken after considering the views of all the sections of the stakeholders and experience of self regulation set in place by NBA.

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Recommendation (Para No. 34)

Time and again during the examination of the subject by the Committee, the Ministry took shelter behind the inadequacy of the 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 any array of legislations, which should have been involved 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 at least now act more purposefully and professionally to have an effective oversight of the broadcast content within the framework.

Action Taken by the Government

Regulation of improper content on the Television Channels have been engaging the attention of this Ministry and to that end, the Cable Television Act and Rules framed thereunder need to be reinforced. Initially when the Act was framed, there were hardly any satellite TV channels

in India and therefore the Act was mostly targeted towards Cable Networks rather than satellite channels which have often been sensationalising content to attract more viewership in the race for garnering higher TRP Ratings and consequently higher ad revenues.

The Programme and Advertising Codes under the Cable TV Rules contain provisions which are on the lines of various enactments enumerated by the Hon'ble Committee. As pointed out during evidence, this ministry has been taking action against the defaulting TV channels to the extent permissible under the Cable TV Act. However, due to absence of specific broadcasting legislation for setting up an independent content Regulator and pecuniary penalty, Hon'ble Committee felt that adequate steps were not being taken.

The Government is fully conscious of the impact of rating and each of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully be considered while formulating the guidelines on the subject. Being conscious of the impact of the obscene, vulgar and violent content on the minds of viewers especially impressionable minors, the Government has been actively involved in the formulation of guidelines to contain such impact. However, certain sections of the media especially the news channels do not see any role for the Government in monitoring of content and have pleaded for complete self regulation by the industry. News Broadcasters Association (NBA) and Indian Broadcasting Foundation (IBF) have formulated their own codes and protocols specially in the aftermath of 26/11/terrorist attack in Mumbai. They have also made a representation before the Government not to go ahead with content code without seeking a consensus. Further, action shall be taken after considering the views of all the sections of the stakeholders. Amendments to the Cable Television Rules are under consideration of the Ministry to address the issue.

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Recommendation (Para No. 35)

To sum up, the Committee find that even after in existence for more than one and half decade, the extant TRP 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 sensitiveness of the viewers if 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 rating 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 focused attention of the Government, at least for the sake of the common viewers.

Action Taken by the Government

The Ministry shares the concerns of the Committee that the extant Television Rating Point system suffers from a slew of shortcomings. Regulation of improper content on the Television Channels has been engaging the attention of this Ministry and to that end, the Cable Television Act and Rules framed thereunder had to be strengthened accordingly. Initially when the Act was framed, there were hardly any satellite TV channels in India and therefore the Act was mostly targeted towards Cable Networks rather than satellite channels which have showing distorted content to attract more viewership. This has led to race for garnering higher TRP Ratings.

The Programme and Advertising Codes under the Cable TV Rules contain provisions which are on the lines of various enactments enumerated by the Hon'ble Committee. As pointed out during evidence, this Ministry has been taking action against the defaulting TV channels to the extent permissible under the Cable TV Act. However, due to absence of specific broadcasting legislation for setting up an independent content Regulator and pecuniary penalty, Hon'ble Committee felt that adequate steps were not being taken.

The Government is fully conscious of the impact of rating on the content of television channels and agrees that a transparent and representative sample for measuring the audience viewership is required. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully considered while formulating the guidelines/legislation on the subject. Being conscious of the impact of instances of obscene, vulgar and violent content on the minds of viewers especially impressionable minors, the Government has been actively involved in the formulation of guidelines to contain such impact. However, certain sections of the media especially the news channels do not see any role for the Government in monitoring of content and have pleaded for complete self regulation by the industry. News Broadcasters Association (NBA) and Indian Broadcasting Foundation (IBF) have formulated their own codes

and protocols specially in the aftermath of 26/11/terrorist attack in Mumbai. They have also made a representation before the Government not to go ahead with content code without seeking a consensus. Further, action shall be taken after considering the views of all the sections of the stakeholders and the experience with self regulation as put in place by NBA.

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No. 3103/3/2207-BC-II (Vol. III) dated 20.01.2010]

NEW DELHI;
13 August, 2010
22 Sravana, 1932 (*Saka*)

RAO INDERJIT SINGH,
Chairman,
Standing Committee on
Information Technology.

APPENDIX I

ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON THE RECOMMENDATIONS/ OBSERVATIONS CONTAINED IN THEIR SIXTY-SEVENTH REPORT (FOURTEENTH LOK SABHA)

[Vide Paragraph No. 5 of Introduction]

- (i) Recommendations/Observations which have been accepted by the Government:—

Paragraph Nos: 11, 12, 13, 14, 15, 16 and 27

Total : 07

Percentage : 20.00

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the replies of the Government

Paragraph No: Nil

Total : Nil

Percentage : 00.00

- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and require reiteration

Paragraph Nos: 18, 19, 21, 28, 29, 31 and 32

Total : 07

Percentage : 20.00

- (iv) Recommendations/Observations in respect of which replies are of interim nature:—

Paragraph Nos: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 20, 22, 23, 24, 25, 26, 30, 33, 34 and 35

Total : 21

Percentage : 60.00

APPENDIX II

TABLE SHOWING RECOMMENDATIONS/OBSERVATIONS OF THE
COMMITTEE ON WHICH INTERIM REPLIES HAVE BEEN
FURNISHED BY MINISTRY OF INFORMATION
AND BROADCASTING

Recomm- endations/ Observa- tions Para No.	Gist of the Recommendations/ Observations of the Committee	Gist of the interim replies furnished by the Ministry of Information and Broadcasting
(1)	(2)	(3)
1.	The Committee had observed that paradoxically the ratings are now determined by the spending pattern on advertisements, programme scheduling and content besides influencing the pricing of channels and little heed is being paid to the viewers interest.	The Ministry referred the matter to TRAI for their recommendations in January, 2008 and the same have been received by them. However, they have again referred back the matter to TRAI on 19.12.2009 for further suggestions/recommendations.
2.	The Committee had pointed out several grey areas in the extant audience measurement system which <i>inter-alia</i> included lack of transparency, authenticity, credibility, objectivity and competition with scant respect to the likes and sensitivities of the viewing public.	– do –
3.	The Committee had observed that there is lack of transparency and reliability in the collection of data and most importantly, the likes,	The Ministry have merely informed that the observations of the Hon'ble Committee shall be carefully considered while formulating

(1)	(2)	(3)
	<p>dislikes and interests of the viewers had largely remained unaddressed by the extant rating system. Therefore, the Committee had desired that some effective mechanism should be put in place in consultation with all the stakeholders to overcome the impediments so that the extant rating system takes care of the interests of all the stakeholders including that of the viewers.</p>	<p>the guidelines/legislation on the subject.</p>
4.	<p>The Committee had pointed out that the rating system can neither be comprehensive nor be foolproof without covering all the States and most importantly without reflecting the preference of rural India and had recommended 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 <i>i.e.</i> TAM Media Research and a-Map.</p>	<p>– do –</p>
5.	<p>The Committee had concluded that the sample size of 0.005 per cent of 1.13 billion population adopted by TAM Media Research and a-Map cannot be considered as representative of a country like India taking into consideration its social and economic diversity.</p>	<p>– do –</p>

(1)	(2)	(3)
6.	<p>While noting that TAM Media Research does not have any clear cut procedure for rotation of sample households and a-Map does have a rotation policy of 10 per cent households being rotated every six months, the Committee have found that such a situation is not at all conclusive to a vibrant, impartial and comprehensive sampling. Besides, the Committee have opined that the extant measurement methods of TRP are inadequate to cover the new technologies like, digital TV, HDTV, interactive television and digital video recorders. Resultantly, the samplings are distorted and encouraged creation of barriers and use of various unfair and anti competitive measures to distort the competition.</p>	<p>The Ministry have informed that TRAI's recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. In view of the issue of TV ratings being studied by Government authorities, Television audience research agency has of late started covering digital platforms also. However, because of the limited number of people meters, it may not be an adequate step. This issue shall also be considered while formulating comprehensive guidelines/legislation on the subject.</p>
7.	<p>The Committee had noted that the present trend in the world is way ahead with a system of real time ratings through unobtrusive means being in vogue and therefore, recommended that the Ministry should take immediate steps to not only eliminate the shortcomings in the extant rating system but also ensure that it is in tune with the best in the world.</p>	<p>– do –</p>

(1)	(2)	(3)
8.	The Committee had recommended that in view of the pressing need for making the rating system comparable with the emerging technologies, the rating agencies should use such technology, which is capable of capturing data over different platforms so as to ensure a holistic view of the viewers preferences.	– do –
9.	The Committee had urged the Ministry to take effective measures to address the reported impediments like entry barriers, use of various unfair and anti competitive measures by the existing players and apprehensions in the minds of the new players to enter the rating business so that there is sufficient competition and the system becomes fair and truly reflective of the viewers choice.	Recommendations of the Hon'ble Committee shall be taken into consideration while formulating such guideline/legislation. TRAI's recommendations in this respect shall also be considered so that the urban bias in the rating system is eliminated to the extent possible. While considering its recommendations some issues emerged which have been referred to TRAI for further suggestions/recommendation <i>vide</i> letter dated 09.12.2009.
10.	Expressing their serious displeasure over the lack of transparency, reliability and authenticity persisting in the rating system, which has been in vogue since the last one and a half decade, the Committee emphasize on periodical rotation of the panel homes by the rating agencies. Besides, the Committee opined that the disclosure of the data and	While considering TRAI's recommendations some issues emerged which have been again referred back to TRAI for further suggestions/recommendation <i>vide</i> letter dated 09.12.2009.

(1)	(2)	(3)
	methodology/process adopted by the rating agencies for the system, in detail and in clear terms, to the clients, users and the public is imperative for fair and transparent studies.	
17.	The Committee had recommended that the Ministry should urgently look towards removing the impediments like staff constraints that are being faced by various Door Darshan Kendras (DDKs) 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.	The Ministry have informed that higher allocation to increase the sample of DART Study has already been proposed in the revised DART Survey Study and also for analysis and tabulation of data. For this, rates have also been revised for data collection and for panel motivators. Keeping in view the growth of DD channels and presence of different platforms, tabulation plan is being worked out.
20.	The Committee had recommended that the Ministry should consider <i>viz.</i> the 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	The Committee have been informed that while considering its recommendations some issues emerged which have been referred to TRAI for further suggestions/recommendations <i>vide</i> letter dated 09.12.2009.

(1)	(2)	(3)
	<p>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 AAI 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, AAI and ISA in the ratio of 80:15:5 when all three have equal rights and powers; the conflict of interest amongst IBFs 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 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</p>	

(1)	(2)	(3)
	<p>during their candid admission before the Committee that ratings to not affect viewers but the stakeholders, etc. should be carefully addressed so that rating business does not continue unregulated and unfettered. The Committee had also desire for a comprehensive action plan and on this crucial matter without any further delay.</p>	
22.	<p>The Committee had opined that instead of blindly following any particular model of any country, 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>i.e.</i> the viewer.</p>	– do –
23.	<p>The Committee have recommended that the Governments should work out modalities so that the rating agencies are registered and fulfill all the eligibility criteria. 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</p>	– do –

(1)	(2)	(3)
	broadcasters, advertisers agencies and vice versa.	
24.	The Committee had desired 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 rating system and to ensure that the manipulations against larger public interest are eliminated.	– do –
25.	The Committee had impressed upon the Ministry to take up urgent steps at the appropriate fora to have an effective mechanism to handle the complaints/grievances against the shortcomings and deficiencies in the rating system brought to notice by the viewers, stakeholders, users, consumer organizations, etc.	– do –
26.	The Committee noted that the rating 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	– do –

(1)	(2)	(3)
	<p>traditions and values. All this is being done in order to attract viewership, especially the vulnerable groups, gain popularity and earn revenue. The Committee also did not accept the Indian Broadcasting Foundation's contention that viewers are not affected due to ratings and had opined that the economic interest of certain classes cannot and should not be given precedence over the social ethos of the masses. The Committee felt 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. Therefore, the Committee recommended that it is high time the Government should intervene in the matter and put in place some sort of governmental oversight/regulation on the TRP 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, traditional and social ethos.</p>	

(1)	(2)	(3)
30.	<p>The Committee had observed that the Government had remained the 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 rating system, hitherto, remained unregulated and no policy/ guidelines have been laid down by them as the rating system is a business activity and the Government do not normally interfere in business activity unless a larger public interest is involved. As such the Committee had observed that this deliberative inaction on the part of the Ministry is a gross failure and emphasize for a comprehensive policy/ guideline in the matter without any further delay.</p>	<p>The Ministry have informed that the Government is fully conscious of the impact of rating and is of the belief that a transparent and representative sample for measuring the audience viewership is a must. In this regard, TRAI's recommendations and observations of the Hon'ble Committee shall be carefully considered while formulating the guidelines/ legislation on the subject.</p>
33.	<p>The Committee had noted that the Ministry had formulated a Self Regulation Guidelines for the Broadcasting Sector and had submitted to the Government in March, 2008 to address to a large extent the issues of obscenity, vulgarity and denigration of Indian culture in the TV programmes. The Committee had desired that the draft Guidelines should be</p>	<p>The Ministry have informed that TRAI's recommendations and observations of the Hon'ble Committee shall be carefully be considered while formulating the guidelines on the subject. However, certain sections of the media especially the news channels do not see any role for the Government in monitoring of content and have pleaded for complete self regulation</p>

(1)	(2)	(3)
	<p>processed and finalized by the Government urgently so that they are in the realm of implementation without any further loss of time.</p>	<p>by the industry. News Broadcasters Association (NBA) and Indian Broadcasting Foundation (IBF) have formulated their own codes and protocols specially in the aftermath of 26/11/terrorist attack in Mumbai. The Government has also constituted a Task Force which will hold consultations with all stakeholders for arriving at a consensus on content Code.</p>
34.	<p>While noting the Ministry's inaction and indifference towards the deleterious effects of manipulated TRP ratings during the last fifteen years and their failure to take action against violators of Broadcast Content Code inspite of a plethora of laws viz. the Cable TV Networks (Regulation) Act, 1995, 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</p>	<p>– do –</p>

(1)	(2)	(3)
	<p>Drugs and Cosmetics Act, 1940, the Pharmacy Act, 1948, the Committee had emphasized that the Ministry should act more purposefully and professionally oversight of the broadcast content within the framework of the existing laws.</p>	
35.	<p>The Committee hope that their recommendations would receive focused attention of the Government, at least for the sake of the common viewers.</p>	– do –

APPENDIX III

STANDING COMMITTEE ON INFORMATION TECHNOLOGY (2009-2010)

MINUTES OF THE TWENTY-FIRST SITTING OF THE COMMITTEE

The Committee sat on Tuesday, the 10th August, 2010 from 1600 hours to 1800 hours in Room No. '62' , First Floor, Parliament House, New Delhi.

PRESENT

Shri Rao Inderjit Singh — *Chairman*

MEMBERS

Lok Sabha

2. Shri Rajendra Agrawal
3. Shri Milind Deora
4. Shri Charles Dias
5. Smt. Darshana Jardosh
6. Shri Mithilesh Kumar
7. Shri Inder Singh Namdhari
8. Shri Abdul Rahman
9. Shri Prem Das Rai
10. Shri Toofani Saroj
11. Shri Tathagata Satpathy
12. Dr. Bhola Singh
13. Shri Dharmendra Yadav

Rajya Sabha

14. Prof. Alka Balram Kshatriya
15. Shri Prabhat Jha
16. Shri M.P. Achuthan

SECRETARIAT

1. Shri T.K. Mukherjee — *Joint Secretary*
2. Smt. Sudesh Luthra — *Director*

*** *** *** *** ***

2. At the outset, the Chairman welcomed the Members to the sitting of the Committee. The Committee then took up first item on the agenda *i.e.* consideration and adoption of two draft Action Taken Reports:—

(i) *** *** *** *** ***

- (ii) Draft Action Taken Report on Sixty-seventh Report (Fourteenth Lok Sabha) on 'Television Audience Measurement in India'. After deliberations, the Committee adopted the aforesaid draft reports without any modification.

*** *** *** *** ***

A verbatim record of the proceedings has been kept.

The Committee, then, adjourned.