

BARC India's comments on TRAI Consultation Paper on Ease of Doing Business in Broadcasting Sector

Q15. Is there any other issue which will be relevant to ease of doing business in broadcasting sector? Give your suggestions with justification.

BARC India was set up as per Ministry of Information & Broadcasting guidelines, based on TRAI recommendations on the subject. The goal, as set out in TRAI recommendations, was to put in place a “credible, transparent and representative television audience measurement system”.

BARC India has been successfully publishing TV Viewership data for over 2 years now, and industry has accepted its data as a credible currency for trading advertising inventory and a quantitative index for evaluating channel/programme popularity.

BARC India is aware of its responsibility to provide industry with accurate and robust data, as it impacts financial decisions and content generation. Incorrect ratings can not only misallocate advertising expenditures, but also lead to creation of content that is not desired by viewers, while good content and programmes are ignored.

Since TV is a very powerful medium with widespread reach, content aired on channels has significant influence on society, public consciousness and

opinion, ethics, attitudes, behaviour and culture. Incorrect, false and misleading ratings can therefore lead to incorrect content decisions, which can have a negative impact on society at large.

BARC India has built a unique multi-vendor model that ensures integrity and sanctity in data capture. It has also invested heavily in technologies that reduce the need for human intervention in the process.

However, BARC India also faces a legacy issue that can distort its measurement eco-system, and undermine its efforts to provide industry with accurate and robust data. A limited number of unscrupulous elements exist in the sector (a carryover from the past), who seek to infiltrate security of BARC India's sample (panel homes), and unfairly influence their viewership habits. Their goal (and business) is to skew final viewership data in favour of some channels, using unfair means that BARC India defines as "Viewership Malpractice".

BARC India is committed to eradicating this menace, and has taken several steps in that regard - including acting against specific instances of attempts at "Viewership Malpractice", adding more teeth to its legal contracts with clients, and setting up of a high-powered Disciplinary Committee under a retired High Court Chief Justice, to examine and act against such cases.

BARC acknowledges the support it has got from the Government, TRAI and almost all sections of industry in its continuing action against "Viewership Malpractices".

However, it also faces challenges on this front because there are no legal provisions under which it can take action against panel infiltration. There

are no sections in IPC with reference to which BARC India can file police complaints, and this emboldens those involved in such activities.

Tampering and manipulation of viewership data can harm growth of the TV industry, as it imparts an unfair advantage to those who indulge in corrupt practices, and introduces distortions and inefficiency in the system. Incorrect data not only negatively impacts thousands of crores of advertising money, but also threatens jobs and livelihoods of those employed in affected entities.

Based on its experience, BARC India submits there is an urgent need to review the regulatory framework that this industry operates under, with the aim of eradicating “Viewership Malpractices”. Provisions need to be added in relevant regulations, to not only dis-incentivize “Viewership Malpractices”, but also allow for punitive action against those indulging in such activities.

BARC India submits that Guidelines for Unlinking and Downlinking of Television channels issued by Ministry of Information and Broadcasting may be suitably amended to recognize and codify “Viewership Malpractices”. Provisions need to be added to allow suitable punitive action against those involved in it. A fair system that evaluates complaints and adjudicates on them may also be included in the regulations.

In terms of specifics, MIB’s channel licensing norms can stipulate that any broadcaster found to be indulging in “unfair means to influence its viewership through acts of Viewership Malpractice” can face any or all the following actions, depending on the level and seriousness of offence:

- a) face viewership data blackout for a limited period
- b) have its telecast banned for a limited duration
- c) have its license revoked

A regulatory framework that helps prevent distortions and fraudulent activities in the eco-system would be highly desirable, and valuable to all sections of the industry. It would boost efficiency, and thereby help growth of the sector. Simultaneously, it would ensure delivery of content that would benefit all sections of society.

Q18. Stakeholders may also provide their comments with justification on any other issue relevant to the present consultation paper.

All TV viewership measurement systems are based on sample survey, and therefore quality of data is linked to size and quality of sample. In line with MIB guidelines, BARC India is committed to setting up a panel of 50,000 Households in a time-bound manner. The distribution of the BARC India panel follows a rigorous and scientific methodology that assures representativeness of sample to universe data.

The sanctity of TV viewership data can be further enhanced through a strong regulatory framework that would prevent panel tampering, as outlined in our submission above. But beyond that, technology can also be deployed to improve size and quality of the panel. Use of Return Path Data (RPD) as complement to TV currency is one such option. RPD involves capture of TV viewing data of homes with addressable Set Top Boxes (DTH and Digital Cable) by enabling “return path” flow of data. Once enabled, this would

allow capture of TV viewership data from several lakh homes, as opposed to the 50,000 sample mandated at present. Additionally, this larger sample would allow more accurate capture of viewership of niche audiences and genres/channels with small viewing base (such as regional language channels and genres like infotainment etc.)

This significant scale-up of the panel size would come at a much lower cost, compared to same coverage with Bar-o-meters.

However, Indian TV industry faces a challenge in implementing this cost-effective value addition to the measurement system: in the absence of technical standards, large number of Set Top Boxes in India are not enabled for RPD, at the level of hardware and/or software incapacities.

BARC India submits that if RPD enabled STBs are mandated in terms of technical specifications and standards for manufacture and sale in India, it would go a long way in further improving TV Viewership measurement system in the country. Viewership data would be much more robust and representative, and it would not be susceptible to tampering and viewership malpractices. These would result in positive outcomes for industry and viewing public/society, as elaborated above.

In this context, it may also be noted that adoption rate of Smart TVs is on the rise in India. These TV sets can also allow capture of TV Viewing data through RPD. Standards (similar to the ones proposed above for STBs) may also be mandated for Smart TVs, so that quality of viewership data can be further improved.