

**CONSUMER PROTECTION ASSOCIATION  
HIMMATNAGAR  
DIST. : SABARKANTHA  
GUJARAT**



**COMMENTS  
ON  
Review of Television Audience Measurement and Ratings in India**

**Introduction :**

Television touches almost everyone. It is rapidly expanding and becoming socially ever-more powerful, but is simultaneously facing a crisis of credibility. Indian television remains India's most important communication medium and it remains at the center of politics and social change.

India's media and entertainment is more than 15 billion \$ industry. Including Television, print, radio, digital media growing at roughly 14% per year. Media is a globally growing industry but our participation in that ecosystem is limited and India is hardly factored in to the global thought process of technology or content.

Digitization is not just about putting boxes and laying cable. It entails a fundamental transformation of the way we look at media and there is an opportunity for Indian media and content to move from just being a provider of entertainment content to being a creative industry.

The central principle should be the recognition that this industry is a unique and powerful economic enterprise and not just a vehicle of propaganda or glitz and glamour. It is capable of creating jobs and wealth much faster than most other sector and with the ability to be a force multiplier like it is in most countries. It is particularly relevant in India because it can be an employment generator without massive public investment and without being hampered by the deficiencies of public infrastructure.

The Regulatory agenda is one of the most crucial parameters that will shape how this industry will look like in next years.

## **Issues for Consultation:**

**Q1. Whether BARC has been able to accomplish the purpose with transparency and without any bias for which it has been established? Please elaborate your response with justifications. Also, suggest measures to enhance the effectiveness of BARC to give TV ratings with transparency and without bias.**

### **Comments :**

No.

BARC India is a joint Industry company funded by stake holder bodies that represent Broadcasters, Advertisers and Advertising & Media Agencies. Apart from the currency products to the TV Industry, BARC India also provides a suite of Insight products designed for broadcasters, advertisers and agencies. The Big data and insights generated by BARC India powers efficient media spends and content decisions in a highly dynamic and growing television sector.

When there is a joint interest and funding of the stake holders in the company, it is very difficult to be Impartial. We feel that BARC India should establish transparency, credibility, Neutrality and Accountability, of TV ratings arising due to cross holding with a transparent methodology with adequate sample size and protecting consumer interest.

1. Last year in April, Hansa Research Private Ltd., a Mumbai based global market research company, registered a complaint at Gwalior's Madhav Ganj Police station following a leak of BARC related

confidential data by one of Hansa Research's employees. BARC had contracted Hansa Research to survey households on its behalf.

2. Unfortunately, this is not the first case where allegations of panel tampering have been made. In 2016, some news channels were accused for artificial enhancing their viewership figures by bribing members of BARC " Panel homes " to watch their channels. Following that, their ratings were suspended for four weeks.
3. Bombay high court stayed suspension of BARC ratings of India news as arbitrary and illegal in, the court stated that " the suspension and subsequent communication to all the subscribers has been prima-facie seen as a reputation maligning action."
4. BARC India's website has also listed similar instances of panel tampering in Telangana, Karnataka and Kerala.
5. Previously several news channels opt out of the council's measurement system.

The multiple cases of penal tampering points to a lacuna in the system - the inability to maintain the confidentiality of penal homes.

### **Measures to enhance effectiveness :**

1. All of us need to understand that, what we need are physical meter which can be seen at home. There are syndicates who have been working at it – to find these homes and influence the viewership for a consideration. The only way to handle this is a sample which is exponentially larger and is available to the public access any time.
2. There should be a Government and Consumer organization's representative in BARC.

3. Industry needs to invest more in the current system and newer technology should be adopted to make it more robust and credible especially smaller genres such as news, lifestyle and English language channels.
4. A larger sample is needed and that it is important to understand the difference between " size and quality " of the sample.
5. For a diverse country like India, where TV watching patterns and languages change every 100 kms., one cannot use a homogenous method. We need to bring in techniques that can give accurate data.
6. BARC is not yet measuring digital viewing and that it needs to improve its " outliers management system ", particularly the way it detects tampered data and deals with it, also needs to be worked upon.

**Q2. Do you feel that present shareholding/ownership pattern of BARC ensures adequate representation of all stakeholders to maintain its neutrality and transparent TV ratings? How its credibility and neutrality can be enhanced further? Please elaborate your response with justification.**

**Comments :**

No.

1. BARC is intended to be an equal stakes venture of three industry bodies, i.e. broadcasters, advertisers and advertising and media agencies. But it is not there. In effect, those whose performance is

being measured hold sway : they don't need the support of the others to do pretty much anything.

2. BARC was setup because the industry decided it didn't want a vendor driven system. It has traded that for a broadcaster driven system.
3. Previously there were regular complaints that samples of viewers can be " polluted " by offering bribes, rewards or using other means. We have seen in past that quality TV shows were often cancelled, while bad shows made primetime because of falsified ratings.
4. There is a way to sort it out though, provided the entire industry takes ownership of the problem. If people of industry don't have time to supervise TAM, they have no right to call it lousy.

**Q3. Is there a need to promote competition in television rating services to ensure transparency, neutrality and fairness to give TAM rating? What regulatory initiatives/measure scan be taken to make TV rating services more accurate and widely acceptable? Please elaborate your response with justifications.**

**Comments :**

Yes.

1. To prevent monopoly it is necessary to promote competition. BARC may suspend rating for some period on the pressure of IBF, as IBF owns 60% interest in BARC India. In this period there could have been

discrepancies in TAM's reporting of data, which could have had serious implications, particularly broadcasters, not only in terms of finance but in terms of credibility.

2. TRAI should encourage the industry to come together. And part of it would be to make ad contracts more transparent. Either ban secret "rebates" altogether or force broadcasters to disclose the exact amount they offer as "rebates".
3. The internet can be a good role model here. For instance, Google and Face book do not offer advertising rebates anywhere around the world. Google even offers TV ads in the US market run through a real-time and transparent auction system.
4. Such transparency will shift the focus of media agencies away from volume discounts towards real research and results.

### **Regulatory measures :**

1. There should be a standardize TV rating system in a bid to standardize data in the fast growing market. The Indian rating data should be in line with international standards.
2. The TV rating should be consistent with international general standards and that the methods of surveying and the technology use should keep pace with the global norms.
3. The rating system should have to match the specific situation in the Indian TV rating market, ensuring the smooth implementation of TV rating surveys.

4. TRAI should outline the basic scope and the standards that TV ratings surveys should follow providing working rules of operation for the TV rating agencies.
5. To ensure the objectivity and fairness of the information gathered, data providers must strictly keep the information of sample households secret and prevent the same household from being influenced by a third party.
6. Data users should also comply with professional ethics, they should not compete with other in the same industry in an improper way and cannot access the information or interfere with the viewing behavior of sample households.
7. Rating agencies must follow the regulatory requirements of the supervisory body and an international quality standard and must subject themselves to an audit by a third party to ensure the survey to be scientific, regulated, objective and fair.
8. TRAI should monitor the implementation on regular basis and penalized heavily if irregularities found.

**Q4. Is the current audience measurement technique used by BARC apposite? Suggest some methods, if any, to improve the current measurement techniques.**

**Comments :**

No.

**Confusion on basic facts :**

1. BARC India do not have basic facts in place. It is indeed a matter of concern that the most prevalent currency of all transactions in TV enjoys so little credibility. They are having no consensus on the number of their viewers – infact, they don't even know how many of them are there.
2. There are more than 161 million cable and satellite homes but the measured universe so far is much smaller i.e. 0.02%. They do not know how many subscribers they have with a particular MSO and the MSO does not know how many house holders his LCO delivers the signals . The same is true in advertising too. The country's premier media agencies can't even seem to agree on a fact as basic as the size of the advertising market.
3. How can this industry function without a shared and non controversial view of the most basic facts ? Numbers are supposed to be the foundations of rational business decisions but how can one make decisions when professionals in the business of numbers can't get their numbers straight ?
4. The new tariff order will make it difficult for long-tail-channels which do not have much viewership of broadcasting networks to piggyback

on the stronger channels for subscription. This may cause a disruption and disconnection of many channels. This will also create discrepancies and anomalies in the viewership data.

5. They should keep track of all viewing enabled for measurement across all platforms, including computers, tablets and smart phone devices.
6. They should educate about how to read company's final rating numbers.
7. TV ownership should be clear. New ownership should be included in overnight rating.
8. The number includes all television or just television with the access to program should be clarified as with the growth of modern streaming services, not everyone with a television has a subscription of that particular channel.
9. We should keep in mind that ratings are not in people. They are in households.
10. Gender and ages of each person watching should be included in rating.
11. If one is watching in one room and his other family member is watching something else in another room should be noticed properly.
12. At big events like IPL, they are much more likely to invite a bunch of people for that period.
13. Ratings also don't measure audience beyond the India. If one star flying over to other country, it is safe to assume that viewership went up in his native country.

14. Nielsen usually comes out with a new estimate of households with televisions every two years, which has big effects on how the rating look on the surface.
15. **A shift from sampling to census would help. Creating a correlation between distribution and trial — number of people who can see a channel versus the number of people who actually see it — will increase the sample to a census and you are done.**
- Q5. Does broadcasting programmes that are out of their category or in different language for some time during the telecast affect the TAM rating? If so, what measures should be adopted to curb it?**

**Comments :**

Yes. There could have discrepancies in TAM's reporting of data, which could have had serious implications, particularly broadcasters, not only in terms of finance but also in terms of credibility.

- Q6. Can TV rating truly based on limited panel homes be termed as representative?**

**Comments :**

No.

1. When TV audience measurement started in this country the media world was relatively simple. There were few channels; TV was mainly entertainment; the most advertised products were fast moving consumer goods (FMCG), mostly targeted at women. That was a broad measure, for which the then sample of perhaps 4-5,000 homes was adequate.
2. Over time not only the number but the genres of TV channels grew; the range of advertised product categories widened to include financial services, auto, mobile telephones, consumer durables, ... and, correspondingly, the audiences targeted began to include different demographics. So now they are measuring smaller and smaller channels, in relation to more finely defined audiences.
3. They should increase the sample in both width and depth of coverage.
4. The matter is not the relationship between the size of the panel and the size of universe but that between the size of the panel and the smallness of what it is trying to measure.
5. However, over time the range of channels as much as the products being advertised have increased. "Correspondingly, the audiences targeted began to include different demographics. So now they are measuring smaller and smaller channels, in relation to more finely defined audiences."

**Q7. What should be done to reduce impact of manipulation of panel home data on overall TV ratings? Give your comments with justification.**

**Comments :**

1. It isn't just the sample size and incidences of panel tampering that create a cause for concern. Being a measurement system, primarily for an ad-dependent TV industry, BARC is controlled by those who the system is rating.
2. A sample which is exponentially larger and is available to the public access any time. It has to have completely addressability of who is watching what, when and where. So there is no way to influence it.

**Q8. What should be the panel size both in urban and rural India to give true representation of audience?**

**Comments :**

Now the panel size is 70% in urban India and 30% in Rural India. It should be increased as per international standards.

**Q9. What method/technology would help to rapidly increase the panel size for television audience measurement in India? What will be the commercial challenge in implementing such solutions?**

**Comments :**

1. A wide variety of data gathering tools are employed around the world today to gather rating data, ranging from paper diaries to television set top meter ( i.e. people meters ), to wrist watch and pager –style deices ( Portable people meters ) that pick up audio signals.
2. The different technologies for gathering data have different strengths and weaknesses, particularly in terms of the type of audience member for which they are best able to gather data. Older audience members, for instance, do quite well with traditional methods, such as paper diaries, but have difficulties interacting with more technologically sophisticated system such as people meter. Young audience member in contrast, not to be as conscientious in their keeping of paper diaries, but are more comfortable with more technologically sophisticated system.
3. There are a number of elements to an effective data gathering system that have been identified over the time. Perhaps most important is the extent to which the system is " passive ", that is, the extent to which it requires minimal work and input on the part of the participant. System such as those used in online audience

measurement, in which the participants needs only to download measurement software that records all of the participants online activity, required much less of the participant and there for offer for fewer opportunities for participant induced error.

4. British Broadcaster's Audience Research Board ( BARB ) has appointed three different agencies for recruiting panel homes and installing meters, for conducting the survey and for producing the sample design and conducting quality checks.

Separating ownership of panel meters from research, while taking responsibility for the final data, is a good way to address many questions around the reliability of TAM's processes.

5. In advances in technology, it is now possible to improve the quality of TV research, while reducing costs. There are over 37 million DTH subscribers in the country currently, each powered by a relatively modern set top box that is aware of the channel being played. By utilizing "return paths" in some boxes and adding them to others using inexpensive plug-in hardware, one could generate viewership data that is orders of magnitude better than today's.
6. One thing we should keep in mind that the typical audience member is often not even aware that they are taking in part in the audience measurement process, may not be willing to provide accurate demographic information if asked. But without an accompanying effort together demographic data set top boxes and server logs provides only basic information about audience exposure

essentially, how many computers visited a particular websites or how many television tuned into a particular program.

7. A second significant issue that will arise from such measurement approaches involves privacy. Web server logs and television set-top boxes have the capacity to gather basic media consumption data ( if not demographic data ) from all web and television users, regardless of whether they approve of having such data gathered about them, and techniques are being developed to ascertain more detailed demographic data in many cases, once again, without the audience members' knowledge and permission. Particularly online, privacy concerns related to the gathering of web usage data are becoming increasingly pronounced.
8. TRAI can put regulation in place that, directly address this kind of audience data gathering. The key, at this point, however, is to recognize that alternatives to the traditional sample based panel approach to audience measurement are emerging with many current measurement efforts oriented toward developing ways of integrating panel and census data.

**Q10. Should DPOs be mandated to facilitate collection of viewership data electronically subject to consent of subscribers to increase data collection points for better TRP ratings? Give suggestion with justification.**

**Comments :**

Technical measures should be evolved.

**Q11. What percentage of STB supports transferring viewership data through establishing a reverse path/connection from STB? What will be the additional cost if existing STBs without return path are upgraded? Give your suggestions with justifications.**

**Comments :**

Technical question.

**Q12. What method should be adopted for privacy of individual information and to keep the individual information anonymous?**

**Comments :**

We strongly feel that, there should be a technical interventions at device level rather than fundamental policy changes. For example, the devices can be programmed to :

(i) To address the concern of data retention :

Automatically delete data after a specific period of time.

(ii) Addressing concerns of transfer and sharing without consent, Function creep and data breach :

Ensure that personal data is not fed into centralized databases on an automatic basis

- (iii) Addressing concerns of informed and meaningful consent :

Offer consumers combined choices for consent rather than requiring a onetime blanket consent at the time of initiating a service or taking fresh consent for every change that takes place while a consumer is using a service.

- (iv) Addressing concerns of misuse of data :

Categorize and tag data with accepted uses and programme automated processes to flag when data is misused.

- (v) Addressing concerns of user control of data :

To apply 'sticky policies' - policies that are attached to data and define appropriate uses of the data as it 'changes hands'.

- (vi) Addressing concerns of informed consent and collection without the consent or knowledge of the user :

Allow for features to only be turned on with consent from the user.

- (vii) Addressing concerns of misuse of personal data and function creep :

Automatically convert raw personal data to aggregated data.

(viii) Addressing concerns of user choice, control, and consent :

Offer users the option to delete or turn off sensors.

Such solutions place the designers and manufacturers of devices in a critical role. We should be optimistic about the possibility of effective technological solutions - noting in the context of automated decision making that it is difficult to build in privacy protections as it is unclear when an algorithm will predict personal information about an individual.

We also suggest that more emphasis should be placed on the principles and practices of:

- Transparency,
- Access and correction,
- Use/misuse
- Breach notification
- Remedy
- Ability to withdraw consent

**Q13. What should be the level/granularity of information retrieved by the television audience measurement agency from the panel homes so that it does not violate principles of privacy?**

## **Comments :**

The information should not content :

- ❖ Sensitive information
- ❖ Information about a person's private or family life
- ❖ Commentary or opinion
- ❖ The collection should be for a lawful purpose
- ❖ It is necessary to collect the information for that purpose
- ❖ The interests of the individual concerned should not prejudiced
- ❖ It is necessary for a public sector agency to collect the information to uphold or enforce the law, protect the tax base, or assist court or tribunal proceedings; or
- ❖ The information will not be used in a form that identifies the individual; or

When an agency collects personal information directly from the individual concerned, it must take reasonable steps to ensure the individual is aware of:

- The fact that the information is being collected;
- The purpose;
- The intended recipients;
- The names and addresses of who is collecting the information and who will hold it;
- Any specific law governing provision of the information and whether provision is voluntary or mandatory;

- The consequences if all or any part of the requested information is not provided; and
- The individuals rights of access to and correction of personal information.

These steps must be taken before the information is collected or, if this is not practical, as soon as possible after the information is collected.

An agency holding personal information must not keep it for longer than needed for the purpose for which the agency collected it.

**Q14. What measures need to be taken to address the issue of panel tampering/infiltration? Please elaborate your response with justifications.**

**Comments :**

To repeat a cliché, India is arguably the most complex, diverse and geographically large consumer market in the world.

For instance, the average viewer spends around 130 minutes per day watching TV. Of this, nearly 80 percent is spent on a leading set of 30 channels. This means that the rest of the channels— anywhere from 150 to 350, depending on the DTH or cable operator—are fighting for a slice of roughly 26 minutes each day.

When both the TAM sample sizes and viewership minutes are so insignificant, even minor manipulations in viewing can have a magnified

impact on TRP ratings. It is an open secret that the TAM system can be easily gamed by bribing lower-level employees at TAM and households where the meters are placed.

**Panel tempering needed to be made a criminal offence. Currently, it is a bit vague and even the police doesn't understand the implementation. Once it becomes a criminal offence, it can be handled much better.**

**Q15. Should BARC be permitted to provide raw level data to broadcasters? If yes, how secrecy of households, where the people meters are placed, can be maintained?**

**Comments :**

We should understand the business model :

Most advertisers, save a few large FMCG companies, don't pay for TAM research inspite of collective annual spending on TV ads. They access the data by either getting their media agencies to buy it, or previously arguing that broadcasters ought to pay for it because it helps them sell ads. Worse thing is that very few have the in house technical expertise to understand and analyze TAM's statistical data, much less strategies on it.

Much of the current mess is also tied to the way in which clients choose their media agencies and how their compensation system has evolved. In a majority of cases, the media agency that "bids" the lowest percentage of the advertiser's annual ad spend as commission—ranging from zero to 2.5 percent—ends up "winning". At such low margins, they start to eliminate all non-essential costs, like research.

Though they are forced to subscribe to TAM data by their clients, it is not really analyzed or used in depth. The media agency's business model relies on making money through unofficial " rebates ", essentially kickbacks from broadcasters as quid pro quo for channeling their client's ad budgets.

That leaves broadcasters. Even though the top 30 channels garner nearly 80 percent of all viewership, there are another 600-plus, clawing for their share and largely stagnant ad market. Their balance sheets are already stretched and the huge annual "carriage fee" paid to cable operators to ensure their channel's visibility hasn't helped either. Given that they already shoulder 70-80 percent of TAM's research bill and agency "rebates" ranging from 7.5-15 percent, most are in no mood to see their TAM bill go up manifold. With no one, including itself, willing to foot the cost of a nearly four-fold increase in TAM panel size.

**Q16. Will provisioning of raw level data to broadcasters, in any manner, either directly or indirectly contravene the policy guidelines for television rating agencies prescribed by MIB?**

**Comments :**

No.

Ref. : Policy guidelines for Television rating Agencies by MIB Para 7.2.

**Q17. Is the current disclosure and reporting requirements in the present guidelines sufficient? If no, what additional disclosure and reporting requirements should be added?**

**Comments :**

Yes.

But

1. Reporting should be on regular basis without demand by MIB or TRAI.
2. Complaint redressal mechanism is not established as per the guidelines.

**Any Other Issues**

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

Yours faithfully,

( Dr.Kashyapnath )  
President