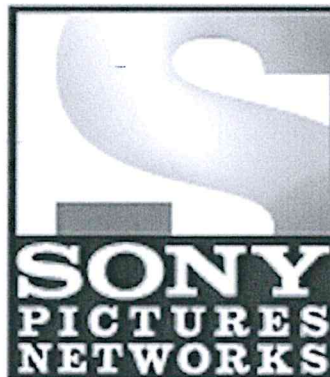


Consultation Paper on Making ICT Accessible for Persons with Disabilities

**Response to The Telecom Regulatory Authority of India for and on behalf of
Sony Pictures Networks India Private Limited**



Dated: 29 January 2018



INTRODUCTION

At the outset, Sony Pictures Networks India Private Limited lauds the efforts of the Government for passing the Rights of Persons With Disabilities (“**RPWD**”) Act, 2016 to make information and communication technology (ICT) services accessible to persons with disabilities (“**PWDs**”). The legislation puts the onus on Government instrumentalities to implement the purpose of the Act and the issues raised in Telecom Regulatory Authority of India’s (“**TRAI**”) Consultation Paper for deliberation are in the right direction.

For a successful implementation of this legislation, the stakeholders (telecom service providers to broadcasters to manufacturers of devices) must work in tandem with common deadlines to make ICT services compatible with devices and in turn for devices to facilitate the accessibility. There are many challenges and one of them is the huge investment that the stakeholders across the spectrum will have to make to implement the purpose of the said legislation. As rightly identified by the TRAI in the Consultation Paper, incentives in various forms and structure could possibly help to overcome the hurdle of making stakeholders to commit investments.

We understand that the Consultation Paper aims to invite comments from telecom service providers, broadcasters and manufacturers of various kinds of devices used in availing the broadcasting and telecom services. We are responding to this Consultation Paper in the capacity of a broadcaster of content via television channels.

We must point out that the Consultation Paper has not deliberated and as such, not identified issues on feasibility and suitability of content for production and broadcast with sign language and closed captioning. We have endeavoured to provide our comments in this regard in response to questions #9 and 18 below.

RESPONSES TO QUESTIONS

- 1. Which are the disabilities, with specific accessibility requirement, other than those mentioned in para 2.3 that require consideration for preparing a framework?**

Response: In our view the Consultation Paper covers all the major disabilities that should be covered under the framework of making ICT services accessible to PWDs.

- 2. Apart from the challenges enumerated in para 2.3, what other challenges do PWDs face while accessing telecommunication and broadcasting services?**

Response: We do not envisage any other challenges other than those outlined in the Consultation Paper. As a broadcaster and in line with our responses to the remaining questions below, people with hearing impairment and visual impairment are the only PWDs that can possibly be covered for accessing the broadcasting services is our considered view.

- 3. In your opinion, what are the reasons for the desired benefits of ICT (telecom and broadcasting) not reaching the PWDs despite several policy measures and scheme being implemented?**

Response: RPWD Act has come into force recently in the year 2016. Accordingly, we believe it is not too late for the appropriate incumbent Government authorities under the said Act to undertake an exercise, and rightly so, to identify measures for implementation on the broadcasting side of the ICT to extend the news and entertainment content’s accessibility to



certain categories of PWDs. This exercise requires a careful study and consensus with stakeholders in order to: (a) scope the whole gamut of content that can possibly be made subject to accessibility by certain categories of PWDs; (b) identify the media platforms through which content can be made accessible to identified PWDs; (c) take stock of current capacity of the broadcast industry to produce content with sign language and closed captions; (d) constraints that are currently faced and are likely to be faced by the broadcast industry in producing such content; (e) review assistance in the form of concessions or subsidies that can be provided to accelerate the process of providing accessibility; and (f) realistic timelines for roll out of content conducive for accessibility by PWDs, etc.

- 4. What additional or corrective measures can be taken by the Government to enable better access to telecommunication and broadcasting services and devices to PWDs? Please give rationale for your response.**

Response: The Consultation Paper has suitably identified not only the categories of PWDs that should have access to the ICT services but also the ways in which PWDs feel challenged in accessing these services. As for broadcasting services, we believe that the two categories of PWDs which can be covered in a phased manner to give access to content to those people with hearing and visual impairment.

- 5. Apart from the measures suggested by ITU, what additional measures can be taken by TSPs and equipment vendors/suppliers and other stakeholders to address the challenges faced by PWDs while accessing telecom and broadcasting services?**

Response: As for broadcasting services, the biggest technical challenge is the readiness of the DPOs, i.e. the distributors of the channels, in making available set top boxes that are compatible with closed captioning. Please see our response to question # 6 below for more details in this regard.

- 6. What are the areas where collaboration between various stakeholders would be useful and how?**

Response: In the broadcasting sector, broadcasters not only produce their own content but also acquire content from third parties in India and abroad. The content that is originally produced by the broadcasters for their television channels and digital platforms can be with closed captions. However, with respect to the content that is procured by the broadcasters for their channels platforms in foreign languages (including English) may not be supported by closed captioning. Hence, the challenge will be ensuring that foreign language content, especially from foreign entities that do business through their Indian offices, is subject to closed captioning for broadcast on television and digital platforms in India. In the same vein, the producers of Indian content should equally participate in this movement to make content accessible to PWDs. The onus should not only be on the broadcaster for effective implementation of the law but should be on the producers of content too. This will help the broadcasters to have a faster roll out, the costs are equitably distributed and there will be participation amongst all the stakeholders. Further the levels of compliance are likely to be much higher when the producers share the responsibility. Given the popularity of films in India, film producers must also be encouraged to introduce closed captioning in their films at the production/post production stage.

Another stakeholder that we recognize that must collaborate with the broadcasters in making it possible for the PWDs to access the content on television side of the ICT services is the



DPO or the platforms that distribute the television channels. Barring few pockets in India, the whole country is digitized as of today. The set top boxes of these DPOs must support the closed captioning functionality to be turned on and turned off. We understand that the proliferation of the set top boxes of certain makes and types in India are not currently capable of facilitating the use of closed caption functionality even if the content broadcast on the channels has in-built closed captioning. Unless the distribution landscape readies itself to support the closed captioning of the content broadcast on the television, the efforts of broadcasters alone will not yield desired results. The broadcasters and DPOs must work in tandem with contiguous (but realistic!) timelines in which both can ready themselves to broadcast and distribute the channels respectively that can support closed captioning. There has been a constant refrain for consistency in technical standards for STBs and adherence to BIS standards and the need to enforce these standards across the country. Unless this initiative is progressed, the multiplicity of standards and manufacturers will make it difficult to introduce these measures for the hearing and visually impaired

7. **Should the Government/TRAI direct the telecom and broadcasting service providers to provide information pertaining to billing, usage, pricing and contracts in the form accessible to PWDs? Please provide a rationale for your response.**

Response: The broadcasting industry operates in B2B environment on the distribution side. Broadcasters do not have a direct interface with consumers since the television channels are distributed by the DPOs and all billing and collections from consumers are done by MSOs and LCOs. But whether it is feasible to provide billing information in a form readable by persons with visual impairment i.e. in Braille is questionable. Billing is done for a household and the assumption is that there will always be some member of a household who is not visually impaired.

8. **Should the Government/TRAI mandate that the devices used for watching television provided through cable, satellite/DTH, fibre, etc. should be made accessible to PWDs?**

Response: This is one of the critical aspects in implementing the RPWD Act. Without the set top boxes made compatible with the content that supports closed captioning which can only be distributed to last mile consumer through the set top boxes, the Government/TRAI will not be able to ensure that PWDs access content with closed captions. The onus to make content accessible to PWDs must be shared by the distributors since broadcasters do not control the distribution of content to the end user. Even if the broadcasters were to ensure that the content was produced, played out and broadcast only with closed captions, it still needs to be supported by devices (set top boxes) that facilitate the viewing of content on television screens. Therefore, it is imperative that the set top boxes are compatible with closed captioning otherwise efforts of the broadcasters will go in vain. As of date, standardisation of set top boxes has not happened on the ground and this will be a major impediment.

9. **Should international accessibility standards be adopted for telecommunication and broadcasting services and devices in India? Please suggest steps required to ensure their adoption by the service providers/device manufacturers.**

Response: India is a diverse country which produces and broadcasts content in multiple languages including Hindi, English and almost every regional language. India has its own unique challenges in content production and distribution which are different from many international markets. India is recently digitized (barring few pockets in the country). In this



digitized era, the content can only be accessed and viewed through addressable set top boxes which have been provided by the DPOs (distributors of the television channels) to the consumers. These set top boxes are of many makes and types and all of them do not necessarily support closed captioned content. The cost of these set top boxes is ultimately passed on to the consumers by the DPOs. To retrofit or replace these set top boxes and expect the consumers to again bear the cost is likely to face resistance. Further it may require the DPOs to upgrade the existing set top boxes or buy compatible set top boxes which will require a huge capital expenditure on their part. Owing to digitization completed in India in various phases in the last four (4) years, the DPOs have invested heavily in purchasing existing set top boxes and many of them have subsidized the cost of these set top boxes to consumers. Expecting the DPOs to reinvest capital in set top boxes in a short span of time to implement the RPWD Act, when Government could have coordinated its efforts in this regard with the recently concluded digitization, is likely to be rigorously resisted by the distribution industry. Therefore, the only way, and to be fair to the distribution industry, the TRAI must ensure there is sufficient gestation period for capacity building and arranging investments to upgrade/purchase new set top boxes on the distribution side of the television channels failing which we are of the view that the implementation of the legislation will be thwarted.

As for the capacity building for production and broadcast of the content, this Consultation Paper is silent. To ensure accessibility of content by PWDs, it is imperative that the capacity building is contiguous on both sides of television industry – production/broadcast controlled by the broadcasters and distribution controlled by the DPOs as briefly explained above. Content is of various types, produced and licensed locally and internationally, broadcast live, deferred live and recorded. As stated above in our response, the categories of PWDs that can only be addressed by a broadcasting industry are people with hearing and visual impairment. It is critical that the feasibility of content production to make it available to the said categories of PWDs must be analysed to define accessibility standards of each category of content. Our views as a broadcaster are as follows:

1. Content is viewed for entertainment value which inherently emanates from the creative and presentation (look & feel) aspects of such content. In making content accessible to PWDs, it must be kept in mind that the same content will be viewed by masses (or non-PWDs). Accessibility must not distort the creative and presentation of content for the non-PWDs.
2. Broadcasters will have to get the content produced with sub-titles that support closed captioning. This adds a layer of cost and time to the production process of content. Whether there are sufficient service providers to produce captioned content for in excess of 850 operational television channels in India remains a question mark. Therefore, the broadcasters will require sufficient time to effect the closed captioning of almost entire content of their channels and budget the costs which the Government must allow a set off against their CSR budget.
3. Further broadcasters will have to make technological changes in their play out of channels to support the broadcast of closed captioned content. This adds further costs. A sudden implementation of legislation without giving the broadcast industry sufficient time to grapple the technological changes/advancements required to play out the captioned content together with the costs associated with it will throw the industry out of gear. Again, the costs in upgrading the play out technology must be allowed as CSR expenditure.



4. Most importantly, and where the major concern will lie for a broadcaster, is that the existing PIRDs (Professional Integrated Receiver Decoders) of broadcasters given to the DPOs for receiving the signal of satellite channels for onward distribution by DPOs to consumers (through LCOs or directly in case of certain platforms like DTH) are not capable in most cases to transmit the closed captioned content. Therefore, the broadcasters will have to make a huge capital expenditure to replace the existing PIRDs with the ones that support transmission of the closed captioned content. From a rough estimate (on the conservative side), with one PIRD cost being approximately INR 2.3 lakhs and there being around 1200 DPOs across the country, we are looking at a staggering investment of INR 27.70 Crores per paid television channel. Allowing such spends from the CSR funds is one option but for smaller broadcasters even the CSR funds for a particular financial year may not be sufficient. Even for the larger broadcasters, the investment in replacing or upgrading PIRDs will be substantial.
5. The aggregate potential investment cost highlighted in points 2, 3 and 4 above for broadcasting industry will be impossible for private broadcasters if it is to be accomplished in a narrow timeframe. The Government must recognize this issue, and roll out the implementation with a long gestation period, and incentivise the broadcasters (including by way of allowing deployment of CSR funds) to incur the remaining cost over a period of at least 5 years.
6. The standards and guidelines for closed captioning need to be defined which must factor the following:
 - A. Live and deferred live content such as sports cannot support closed captioning. Therefore, sports as a genre must be excluded.
 - B. Similarly, live news and live events cannot be closed captioned. Therefore, these as genres of programming must be excluded.
 - C. Sign language for the hearing impaired is possible only for news bulletins that are pre-recorded. It is not possible for live news (which has extempore debates, live reporting from various places while the anchor is based in studio, etc.). Sign language is also not possible for general entertainment content as a box appearing on the screen will distort the creativity and look & feel of the content. As against pre-recorded news, the entertainment content is viewed for its creativity and presentation.
 - D. Closed captioning must make content accessible by both identified categories of PWDs: (a) subtitling in a manner that covers beyond the spoken dialogues for the people with hearing impairment; and (b) an option for the unspoken dialogues to be read out in the content for the visually impaired.
 - E. The closed captions must only be in the language of the content and not in a different language.
 - F. The broadcasters must be given a sufficient gestation period to implement closed captioning and sign language as per above. The roll out must be in a phased manner. A gestation period of at least 18-24 months and thereafter a roll out of 25% of the content to be closed captioned every 6 months, thereby having a deadline of 42 months for all the channels to be 100% closed captioned seems achievable in our view.
 - G. The costs incurred by the broadcasters must be allowed as CSR expenditure. This will encourage and incentivise broadcasters to adopt these measures.

10. What additional measures can be taken or technologies can be deployed by service providers or equipment manufactures to assist PWDs?



Response: No comments

- 11. Should device manufacturers be mandated to allow in their device's operating system those applications which are meant to assist the PWDs? Please justify your response.**

Response: In today's digital era, the content is viewed on all types of screens. Consumption of content digitally on mobile phones and other non-television screens is increasing exponentially. The purpose of the legislation will be defeated if the content is produced and broadcast in a compatible way but the devices fail to support the access by PWDs of such content. All the devices which can be connected with internet connection and have the capability to stream content must make it technologically possible to view content in closed captioning.

- 12. What measures can be taken in India so that emergency services are made more accessible for PWDs? Should the implementation of these measures by TSPs be made mandatory by the Government?**

Response: No comments. Not applicable to broadcasting industry.

- 13. Should the device/handset manufacturer be mandated to manufacture at least one model of handsets for PWDs which is having accessibility features and which are compatible with assistive technology features such as hearing and visual aids including emergency buttons?**

Response: No comments.

- 14. How should companies be encouraged to utilise their CSR funds for development of applications, devices and services for the PWDs? What kind of devices and applications can be envisaged/designed to make achieve ICT accessibility for PWDs?**

Response: The Government should clarify that utilization of CSR funds for making content accessible to PWDs is permissible by only certain stakeholders who are bound to see a surge in costs such as broadcasters (for producing and broadcasting), distributors of TV channels (for making set top boxes compatible) and manufacturers of such enabling devices like set top boxes.

- 15. Should any other funding mechanism for the development of applications, devices and services meant for the PWDs be considered? Please give a rationale for your response.**

Response: No comments

- 16. How can effective campaigns be designed to create awareness about use of ICT accessibility tools? Can such campaigns be funded by CSR funds? If not, what other mechanisms can be used to fund such campaigns?**

Response: As has been the practice of the Government, it hires specialized agencies to devise awareness campaigns on important issues and makes radio and TV spots in addition to advertisements in print media. Accessibility tools for PWDs as an issue should be identified by Government and its awareness disseminated using the said media once the capacity across the spectrum is built and the accessibility of content across the board is rolled out by broadcasters, distributors and device manufacturers. These awareness campaigns reach the masses across the length and breadth of the country. In our view, there is a great merit in



using TV, radio and print medium to spread the awareness on accessibility tools for PWDs. The broadcasters can additionally contribute by airing the ad spots of this campaign and the commercial air time used for broadcast of the ad spots for such a campaign should be considered as CSR expenditure to incentivise the broadcasters to participate.

17. Should the Government incentivise the manufacturing and development of ICT tools and devices viz. tools for mobile accessibility, TV accessibility or for web accessibility for PWDs? Please give a rationale for your answer.

Response: Apart from utilization of CSR funds towards development of ICT tools and devices, the Government should consider providing incentives and subsidies to the service providers and manufacturers which will speed up the implementation of accessibility of content by PWDs. Implementation requires a concerted effort by the stakeholders across the spectrum and there are huge costs involved. Incentives will help the stakeholders to prioritise their services and manufacturing which will in turn make the market place conducive for speedy and effective implementation of the legislation.

18. Please give inputs/suggestions/comments on any other issues which you feel are relevant to the subject matter.

Response: The standards and guidelines for closed captioning need to be defined which must factor into the following:

1. Live and deferred live content such as sports cannot support closed captioning. Therefore, sports as a genre must be excluded.
2. Similarly, live news and live events cannot be closed captioned. Therefore, these, as genres of programming, must be excluded.
3. Sign language for the deaf/hard of hearing is possible only for news bulletins that are pre-recorded. It is not possible for live news (which has extempore debates, live reporting from various places while the anchor is based in studio, etc.). Sign language is also not possible for general entertainment content as a box appearing on the screen will distort the creativity and look & feel of the content. As against pre-recorded news, the entertainment content is viewed for its creativity and presentation.
4. Closed captioning must make content accessible by both identified categories of PWDs: (a) subtitling in a manner that covers beyond the spoken dialogues for the deaf/people with audio impairment; and (b) an option for the unspoken dialogues to be read out in the content for the blind/visually impaired.
5. The closed captions must only be in the language of the channel and not in a different language.
6. The broadcasters must be given a sufficient gestation period to implement closed captioning and sign language as per above. The roll out must be in a phased manner. A gestation period of at least 18-24 months and thereafter a roll out of 25% of the content to be closed captioned every 6 months, thereby having a deadline of 36-42 months for all the channels to be 100% closed captioned seems achievable in our view.
7. The costs incurred by the broadcasters must be allowed as CSR expenditure.

