

Feedback on TRAI Consultation Paper dated 2 April 2024 seeking Inputs for formulation of National Broadcasting Policy (NBP) - 2024

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I. PREFATORY & IDEATION

The Ministry of Information and Broadcasting's "Accessibility Standards for TV" dated 16 September 2019, delineate measures to ensure broadcasting accessibility for persons with

disabilities ('PwDs'). These measures include promoting awareness of the capabilities and contributions of PwDs, fostering positive perceptions, and ensuring the portrayal of persons with disabilities in media aligns with the UN Convention on the Rights of Persons with Disabilities ["UNCRPD"] objectives. Similarly, Article 30 of the UNCRPD mandates State Parties to recognize the right of PwDs to participate on an equal basis with others in cultural life, including access to television programs, films, theatre, and other cultural activities.

Closer to home, in India, Section 42 of the Rights of Persons with Disabilities Act, 2016 ["RPwD Act"] requires that the appropriate Government shall take measures to ensure that,— (i) all contents available in audio, print and electronic media are in accessible format; (ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning; (iii) electronic goods and equipment which are meant for everyday use are available in universal design. In addition, S. 29(h) of the RPwD Act states that persons with hearing impairment must have access to television programmes sign language interpretation or sub-titles. Further, the Guidelines on Accessibility Standards for Films by the Union Ministry of Information and Broadcasting and the Cinematography (Certification) Rules, 2024 seek to create a strong legal mandate to ensure film accessibility. Finally, as noted in paragraph 2.18.2 of the White Paper, the Broadcasting Services (Regulations) Bill, 2023 contains a number of mandatory and directory measures to make broadcast platforms, programmes and networks accessible.

Against the backdrop of these guiding principles, Mission Accessibility shall be providing our inputs on the specific questions put forth in the Consultation Paper with a view to ensure that broadcasting services are inclusive and accessible to all individuals, regardless of their disabilities. It shall also be our endeavour to ensure that with the advent of the new policy, content is delivered to persons with disabilities ["PwDs"] in a non-discriminatory manner. In the paragraphs that follow, we shall be providing our specific inputs to some of the questions in the Consultation Paper that align with our area of work.

II. SPECIFIC INPUTS

1. Stakeholders are requested to provide their inputs in framing the Preamble, Vision, Mission and Broad Objectives for the formulation of the National Broadcasting Policy (NBP):

It is trite to mention here that the National Broadcasting Policy will also have to align with the principles of the RPwD Act, 2016 the UNCRPD and the requirements of the Accessible India Campaign.

In order to do so, we suggest the addition of a fifth objective, i.e. "**Ensuring Content Delivery to PwDs in a Non-Discriminatory Manner and Improving Media Access by including Same Language Subtitles/Captions, Audio Description, Indian Sign Language and other accessibility features to all content at the source itself.**" This objective can not only shape the contours of an egalitarian and inclusive National Broadcasting Policy, but also ensure that the mandate of Section 42 of the RPwD Act, 2016 is complied with in letter and in spirit.

2. Please suggest the strategies to be adopted by the Government and industry for propelling the growth of broadcasting sector w.r.t. the following: 'Employment generation with emphasis on skill development.'

The increase of employment in the broadcasting sector can in fact make it a more sensitised, inclusive and accessible sector, if the following initiatives are taken:

1. **Inclusive Hiring Policies:** Encourage broadcasters to implement inclusive hiring policies that actively recruit PWDs in the front-end and back-end projects and provide them with equal opportunities for employment. **This would also ensure that PwDs are represented on screen, and portrayed in a dignified light.**
2. **Skill Development Programs:** Create an enabling mechanism which can regularly initiate and maintain specialized skill development programs tailored to the needs of PWDs, focusing on areas such as broadcasting technology, content creation, editing, and production.
3. **Awareness and Sensitization:** Conduct awareness campaigns and sensitization programs within the broadcasting industry including but not limited to Certification Agencies, Licensing Authorities and Broadcasters to promote understanding and acceptance of PWDs, reducing stigma and fostering inclusive work environments.
4. **Incentives and Support:** Provide financial incentives, tax benefits, and other forms of support to encourage broadcasters to actively engage in hiring and retaining PWDs, recognizing the benefits of diversity and inclusion in the workforce.

By implementing these strategies, the government and industry can propel the growth of the broadcasting sector while simultaneously promoting employment generation and skill development for PwDs. These initiatives can in turn also ensure that the language used for PwDs by broadcasters is in line with the principles outlined in the CRPD, the RPwD Act and the Accessible India Campaign.

3. What other policy and regulatory measures should be adopted in the policy for creation and expansion of quality Indian content to make India the 'Global Content Hub'? Further, suggest how to extend support to local talents and content developers in terms of training, infrastructure and incentives. Provide your comments with detailed explanation.

In the pursuit of establishing India as the 'Global Content Hub', it is imperative to adopt a multifaceted approach that not only fosters the creation and expansion of quality Indian content but also ensures its accessibility and inclusivity. Central to this endeavour is the principle that accessibility should be integrated into content right from its inception. This entails the implementation of regulations mandating that all content be 'born accessible', incorporating subtitles, audio descriptions, and Indian Sign Language (ISL) annotations directly into the source files. Such measures should be enforced consistently throughout the content's lifecycle, from production and licensing to distribution, ensuring that ISL, captions, and audio descriptions are integral components of the source file. In cases where content is multilingual, audio descriptions should be provided in all the languages used, thereby enhancing the content's accessibility and reach.

To complement these regulatory measures, the National Broadcasting Policy should be revised to include mandates for the accessibility of set-top boxes. This is crucial because accessible content is rendered ineffective without the means to access it. Ensuring that set-top

boxes are equipped with features that support accessibility will bridge this gap, making content truly inclusive.

Beyond regulatory measures, supporting local talents and content developers is essential for nurturing

a vibrant content ecosystem. This can be achieved through targeted initiatives aimed at providing comprehensive training, state-of-the-art infrastructure, and attractive incentives. Such support mechanisms will not only elevate the quality of Indian content but also empower creators with the tools and knowledge necessary to produce accessible content.

Implementing these policy and regulatory measures, along with robust support for content creators, will not only position India as a leader in the global content arena but also ensure that Indian content is accessible to all and delivered to all equally in a non-discriminatory manner. Moreover, these initiatives will spur job creation and facilitate the capacity building of the existing workforce, contributing to the overall growth of the content industry in India.

4. What policy measures and regulatory aspects should be adopted in the NBP to nudge the growth of Indian regional content through OTT platforms?

The reach of any content is directly proportional to how accessible it is. By incorporating accessibility features such as Audio Descriptions, Captions, and ISL interpretations at all stages content creators and distributors can significantly expand their audience base. This not only aligns with the principles of inclusivity and equality but also opens up new markets for regional content, thereby contributing to its growth on OTT platforms.

5. What other strategies should be adopted in the policy document for ensuring a robust grievance redressal mechanism to address and resolve complaints with respect to content as well as services effectively? Provide your comments with proper explanation.

While a robust grievance redressal mechanism is essential for addressing and resolving complaints effectively, it is often seen that accessibility grievances take a back-seat in general grievance redressal systems. Given the centrality of accessibility to broadcasting and how intrinsically accessibility and media are woven together, we recommend that accessibility concerns be a separate line item for the grievance redressal mechanism under the NBP. This can be achieved by establishing the role of a nodal officer dedicated to accessibility issues.

This officer would be responsible for overseeing complaints related to the accessibility of content, ensuring that these grievances are addressed promptly and efficiently. The policy document should outline a clear mechanism for filing complaints regarding accessibility. This includes specifying the channels through which complaints can be submitted (e.g., online portals, email, or physical forms), the department or individual responsible for their initial assessment, and the hierarchical structure for escalation. It is also crucial that the policy sets forth a timeline within which grievances must be resolved, ensuring accountability and timely action. Apart from this, the mechanism should also include a provision on confidentiality and prohibition against retaliation.

By focusing on accessibility as a separate line item within the grievance redressal system, or even establishing a dedicated system for such issues, the NBP will not only make

content more accessible but also foster a more inclusive digital environment. This approach acknowledges the diverse needs of PwDs, endeavours to provide them content in a non-discriminatory manner and proactively protects their right to access content in case of any barriers. As a by-product, the creation of nodal officer positions and the implementation of a structured grievance redressal mechanism can also contribute to job creation in the sector.

6. What role the broadcasting sector should play to fulfil social and environmental responsibilities? Provide in detail the key focus areas and the strategies the sector should consider. Also provide strategies on the following specific issues: to empower Person with Disabilities (PwDs) to access the information and entertainment programmes

Mission Accessibility suggests that much like the recent policies released by MIB which mandate the incorporation of accessibility features in films, there should be similar guidelines on accessibility in the NBP with respect to television programs and digital content. In order to achieve this, the following suggestions are instructive:

1. The NBP should endeavour for providing the choice of captions, audio descriptions and ISL on all broadcast content, irrespective of media.
 2. The NBP should push towards the adoption of universal design principles in the creation and implementation of accessibility standards.
 3. The NBP should endeavour for harmonising Indian accessibility standards and making it applicable to all content irrespective of broadcasting platform.
 4. Television and OTT content should have “default-on” captioning that can be switched off at will.
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7. Keeping in mind the immense role of broadcasting during disasters, how can the latest technologies be effectively utilized to provide disaster alerts and timely updates on television/mobile/radio during disasters? Elaborate with proper justifications

For PwDs, in order to address the critical role of broadcasting during disasters and the effective utilization of the latest technologies for providing disaster alerts and timely updates across television, mobile, and radio platforms, it is essential to integrate the principles enshrined in Section 8 of the RPwD Act Act, 2016 and Article 29 UNCRPD into the National Broadcasting Policy. This integration is pivotal to ensure that PwDs receive equal protection and safety during situations of risk, including natural disasters.

Section 8 of the RPWD Act 2016 emphasizes the need for equal protection and safety of persons with disabilities in situations of risk, armed conflict, humanitarian emergencies, and natural disasters. It mandates the National Disaster Management Authority and the State Disaster Management Authorities to include PwDs in their disaster management activities. This inclusion is crucial for the safety and protection of PwDs, ensuring that they are not left behind in times of crisis.

In the context of broadcasting, this principle translates to the necessity of making disaster-related broadcasts fully accessible to PwDs. For instance, during a natural disaster such as a cyclone, broadcasting plays a fundamental role in the dissemination of information regarding the cyclone's trajectory, evacuation orders, safety measures, and relief operations. If this information is not made available to PwDs in a timely fashion without accessibility barriers,

they would be unfairly prejudiced, facing higher risks and potentially life-threatening situations due to the lack of timely and comprehensible updates.

To ensure the accessibility of disaster-related broadcasts, the following measures should be incorporated into the National Broadcasting Policy:

1. **Mandatory Accessibility Features:** Broadcasts related to disaster alerts and updates must include accessibility features such as sign language interpretation, audio descriptions, and closed captions. This ensures that information is accessible to individuals with hearing, visual, or cognitive disabilities.
2. **Regular Testing and Drills:** Conduct regular testing of the disaster alert systems on all broadcasting platforms to ensure they are fully operational and accessible. Organize drills involving PwDs to gather feedback and improve the system's effectiveness.
3. **Public Awareness Campaigns:** Run public awareness campaigns on how to access disaster-related information, focusing on the needs of PwDs. This includes educating the public about the availability of accessible features and how to use them.

We respectfully submit the above inputs for your kind consideration and welcome the opportunity to discuss them further with you.

Yours Sincerely,



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