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The Pathaan precedent

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Pathaan, starring Deepika Padukone and Shah Rukh Khan, has been in the news for many reasons. The latest headline is that it is on its way to becoming the highest grossing Hindi film of all time. What started as a controversy over song lyrics that did not go well with the accompanying visuals, were deftly delinked in the final release. Sentiments returned to the bottle. The money flowed.



However, the lasting legacy of Pathaan may be something completely different from what dominates the news cycle today. Pathaan could change the way one billion Indians consume entertainment content on the small screen. Ironically it will also have something to do with how the dialogue and song lyrics are tied to the visuals.

Ten days before Pathaan's release, the Delhi High Court passed an interim order directing Yash Raj Films (YRF) to add captions and audio-description to Pathaan for its distribution on streaming platforms. Why? Because two disability rights activists, Mr. Rahul Bajaj and Mr. Anuj Jain petitioned for captions to make Pathaan accessible for the estimated 65 million strong deaf and hard of hearing community and audio-description for the 70 million visually impaired community.

Justice Prathiba M. Singh's order is commendable and consistent with the Rights of Persons with Disabilities Act (RPwD, 2016). It gives further impetus to the Ministry of Information and Broadcasting's equally remarkable Accessibility Standards that were framed in 2019. Nearly four years later, these standards are now overdue for notification and implementation across the entertainment system.

It would be a mistake to think that the Delhi High Court Order singled out Yash Raj Films. To its credit, YRF agreed to submit the captions and audio-description to the Central Board of Film Certification (CBFC). The responsibility to uphold the RPwD Act (2016) in films has in effect now passed to CBFC which needs to include accessibility requirements into the certification process.

The good that started with Pathaan should logically be embraced by the entire Indian film industry. CBFC has the opportunity to make the ruling on Pathaan groundbreaking for the more than 1500 Indian language films that it certifies every year.

Another mistake would be to think of accessibility features as only useful for “niche” groups. The case for Same Language Subtitling (SLS), effectively the same as captions in the language of the audio, is well-established in India as an innovation for reading literacy. Other primarily English-speaking countries like the US, UK, Canada, Australia and New Zealand, have made a strong case for its use in media accessibility. SLS on content that people already watch with passion - and will do so for four hours every day over an average life span of 70+ years - is proven to cause automatic reading practice and improvement.

Take any TV channel or streaming platform in India. Why is SLS made available on most English content but not on most Indian language content? It is tempting to think that this was simply an outcome of the market. That is far from the case.

In a landmark case of the National Association of the Deaf (NAD) vs. Netflix, dating back to 2012, the judge ruled in favour of NAD, requiring English captions on all of Netflix’s English content. A precedent was set for all streaming platforms. The world now benefits from English captions on English content.

The global playbook for the entertainment industry’s embrace of accessibility has striking parallels. Litigation or broadcast policy leads the way. The market embraces it subsequently, and invariably finds a way to make it a win-win for all. Viewers will find myriad uses from reading literacy, to picking up a language, to simply “hearing” the dialogue better, to “visualizing” the content through the spoken word.

More power to Pathaan so that it can rise to become India’s precedent for captions, SLS and audio-description on all Indian language content on TV and streaming. Madam Justice seems to be saying in true Pathaan style: “Picture dikhaoge toh mehman nawazi ke liye caption toh aayega, aur audio-description bhi laayega!”

Online article: <https://timesofindia.indiatimes.com/blogs/voices/the-pathaan-precedent/>