

IMPROVING ACCESS TO ENTERTAINMENT CONTENT

Relevant for: Developmental Issues | Topic: Rights & Welfare of Persons with Disability including Mentally Ill People - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

A still from 'Black' | Photo Credit: By Special Arrangement

As a cricket fan, I was eager to “watch” the film 83. I am blind since birth. When the movie became available on a streaming platform, I was disappointed to learn that it did not have audio description, thus making the movie inaccessible to me. As a blind Indian citizen, I have often been shut out from many life activities, including consuming entertainment content. Going to the movies helps us de-stress. But what happens when entertainment content is not designed with the needs of the disabled in mind?

Two important tools that help make entertainment content disabled friendly are audio description and subtitling. Audio description refers to the visual aspects of the content being spoken out for the benefit of those who cannot see. Subtitling refers to the auditory components of the content being displayed in textual form for the benefit of those who cannot hear. In India, the potential of these two tools to make entertainment content disabled friendly has largely remained untapped.

The Rights of Persons with Disabilities (RPwD) Act provides guidance to remedy this issue. Section 29(h) of the Act requires the appropriate government to take measures to ensure that “persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.” Further, Section 42(ii) requires the appropriate government to take measures to ensure that “persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning.”

In October 2019, the Union Ministry of Information and Broadcasting (I&B Ministry) issued a letter to the Central Board for Film Certification (CBFC) requesting the Board to motivate and persuade its associated members to make audio description part of the production and distribution of a film. In a panel discussion co-hosted by the Vidhi Centre for Legal Policy and the Billion Readers Initiative that I moderated recently, Sonali Rai from the Royal National Institute of Blind People, U.K., and Dipendra Minocha from Saksham spoke about the practical roadblocks they face in pushing for greater audio description. They would know. Saksham has pioneered audio description for films in India. It has developed an app called XL Cinema which syncs audio-described tracks with movies. On buying an audio ticket for a movie that has been audio described, a user can hear the audio description of the movie in a theatre at the same time when the movie is being showcased. Movies that have been audio described this way include *Sanju*, *Andhadun* and *Romeo Akbar Walter*. Saksham started audio description with the film *Black*. Yet, “most production houses are not convinced about the need for this,” said Deepti Prasad, XL Cinema’s co-founder.

First, as Mr. Minocha said, film producers do not think there is a large demand for audio description in India. The voice of users with disabilities asking for audio description is still muted. Until a critical mass of users puts pressure on platforms to provide audio description and subtitling, this issue will get pushed down the priority list of the powers that be. Even if production houses are inclusive in intent, their behaviour excludes the disabled in effect. When it is time to release a movie, amidst all the responsibilities that film studios have to discharge, accessibility for the disabled takes a back seat. Studios must realise that making disabled-friendly content is the right thing to do — morally, legally and commercially.

Second, production houses may lack the know-how, human resources or adequate lead time

before the launch of any new content to make it disabled friendly. User organisations must undertake targeted interventions to sensitise filmmakers and engage in capacity-building initiatives.

Third, civil society groups must draw on the court system to translate written legal guarantees into improved real-world outcomes. The principal authority for grievance redressal set up under the RPwD Act at the central level is the court of Chief Commissioner for Persons with Disabilities (CCPD). On perusing the recommendations issued by the CCPD in the last 12 months, I could not find a single recommendation that relates to making entertainment content disabled friendly. Citizens with disabilities must demand accountability from the government, filmmakers, streaming platforms and others in the entertainment ecosystem through the judicial process. We need legal precedents underscoring the proposition that not accounting for the disabled when making entertainment content is unacceptable.

Finally, the I&B Ministry has been dragging its feet on notifying the Accessibility Standards for Television Programmes for Hearing Impaired for three years. These must be notified promptly, and similar standards must be framed for the visually impaired. Every disabled citizen must be able to enjoy entertainment content on their platform of choice on equal terms as their able-bodied counterparts.

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