Methods to digitalize and create sustainable disability friendly educational environment in India
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Technological innovations that enable access to educational material are indicative of policy priorities of a nation-state aspiring to thrive as inclusive knowledge-based economy. This paper focuses on the implementation of policy measures that enable effective realization of access to knowledge for the print-disabled in India. In India, there are around 15 million people who are blind, 26 percent (i.e. 3,20,000) of which are children.2 Less than 10 percent of these children have been reported to be attending school.3 This situation of inaccessibility to education is worsened when despite emphasis on the ‘rights of the disabled’ at a global level, it is found that, of the million or so books published each year in the world, less than 10 percent are made available in formats accessible to visually impaired persons, including translation into braille, audio versions, and text-to-speech technology for works available electronically.4 The phenomenon of absence of books has come to be known as ‘a book famine.’

The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (the Marrakesh Treaty) which was drawn up in the year 2013 aims to address this global challenge. It is an important treaty that approaches this development issue of access to knowledge by applying the principle of “leaving no one behind.”5 It seeks to remove legal barriers to accessible information and culture among the print-disabled across the world, while also balancing the rights of authors as protected under the law of copyright.6 Thus the treaty requires that the countries that have ratified it, take steps and adopt certain copyright exceptions that will allow the creation and distribution, including cross-border exchange, of works in accessible formats.7 India was first to ratify the Treaty. It has amended its copyright law by virtue of the Copyright Amendment Act of 2012 and introduced Section 52(1)(zb) to allow for the creation and distribution of accessible formats for “any person with disability.” The Act prescribes that such creation may be done by an individual or an organization “working for the benefit of the persons with disabilities.” Additionally, the Act created a new provision, Section 31B which permitted compulsory licenses for the creation of accessible format works on a for-profit basis. While it is commendable that the government has demonstrated strong commitment to the cause of ending ‘book famine’ in the country, at the policy implementation and governance level, positive action is desirable. This paper discusses the challenges envisaged as the ‘book famine’ due to increasing unavailability of educational material in accessible formats in the context of Institutions imparting legal education in India. Good practices adopted by Indian law schools and institutions devoted towards imparting legal education, will be ascertained to determine whether implementing methods to digitalize and create sustainable disability friendly educational environment has acquired the necessary momentum in India.