



Accepted Papers

Bileta Annual Conference 2016

Methods to digitalize and create sustainable disability friendly educational environment in India **Sunita Tripathy, O. P. Jindal Global University**

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.¹ 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.'

¹ United Nations Development Programme , *Our right to knowledge: Legal reviews for the ratification of the Marrakesh Treaty for persons with print disabilities in Asia and the Pacific* (2015), p.1 (The paper discusses, access to knowledge as a human right as espoused in International instruments worldwide. These human rights generally include but not limited to, the right to take part in society, the right to enjoy the benefits of scientific progress, improved health, freedom of speech and expression, education and employment opportunities.)

² National Sample Survey Organisation, (2002); It has been estimated that only 2 percent of children with print disabilities in developing countries receive education. See especially, Catherine Jewell, "Removing Barriers to Literacy: How the Marrakesh VIP Treaty Can Change Lives", World Intellectual Property Organization Magazine (WIPO, Geneva 2015) (There are an estimated 6 million children around the globe with a visual impairment. Eighty percent of these children live in developing countries and over 90 per cent of those living in these under-resourced settings – some 4.4 million children – do not receive education.) ["Jewell"]; consequentially, due to absence of educational material in accessible formats it is predicted that no more than 5 percent will find employment. See also, Rowland, William. Blindness, Poverty and Development, World Blind Union (December 2004). (The socio-economic challenges faced by the disabled population in developing and low-income economies further prevent access to education, vocational training and opportunities for employment.) ["Rowland"]. A "bidirectional link" is said to exist between disability and poverty, see, World Health Organization and World Bank, *World Report on Disability* (2011), p. 10. (The report explains this "bidirectional link" by describing that disability may increase the risk of poverty, and vice versa.); For World statistics, see, World Health Organization, Fact Sheet No. 282, *Visual Impairment and Blindness* (August 2014), available from <http://www.who.int/mediacentre/factsheets/fs282/en/>. (The 2014 World Health Organisation fact sheet, reports there are approximately, 285 million blind and visually impaired persons in the world. Of these, 19 million are children.)

³ Indian Journal of Ophthalmology (2015)

⁴ *Ibid.* (This percentage is even smaller in low-income countries.)

⁵ United Nations Development Programme, *Our right to knowledge: Legal reviews for the ratification of the Marrakesh Treaty for persons with print disabilities in Asia and the Pacific* (2015), p. 9.

⁶ *Ibid*

⁷ *Ibid*

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.