
ACCESSIBLE LEARNING FOR VISUALLY IMPAIRED STUDENTS: ADVANCING INCLUSION AND EQUITY IN TAMIL NADU'S HIGHER EDUCATION

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ABSTRACT

This paper examines the persistent “book famine” faced by visually impaired and print-disabled learners in Tamil Nadu, despite the legal safeguards provided under the Indian Copyright Act, 2012 and international obligations such as the Marrakesh Treaty. Drawing on empirical data from 360 respondents across government and aided institutions, the study evaluates systemic barriers in accessing educational materials, including institutional negligence, lack of legal awareness, and technological inadequacies. Through a socio-legal lens, this research interrogates the effectiveness of existing legal frameworks and argues for a transformative approach to copyright exceptions, placing accessibility at the core of educational equity.

Keywords: Book Famine, Visual Impairment, Copyright Law, Marrakesh Treaty, Educational Access

Introduction

This study investigates the barriers to accessible educational materials faced by visually impaired and print-disabled learners in Tamil Nadu, with a focus on copyright restrictions and institutional support. Using empirical data from 360 respondents, the paper explores the phenomenon of the "book famine" and evaluates the role of assistive technologies, awareness of legal provisions, and institutional practices in higher education.

The persistent exclusion of visually impaired and print-disabled learners from equitable access to educational materials represents one of the most enduring human rights challenges in contemporary India. Despite constitutional guarantees under Article 21A¹, statutory protections in the Rights of Persons with Disabilities Act 2016², and progressive amendments to the Copyright Act 1957³, a profound scarcity of accessible academic content often termed the "book famine" continues to impede substantive equality in higher education. This term, first popularised by disability rights advocates, encapsulates the systemic deprivation whereby persons with visual impairments are denied access to textbooks, legal materials, and scholarly resources available to their sighted peers.

In Tamil Nadu, a state celebrated for its advancements in literacy and public education, the paradox of inaccessibility persists. The Marrakesh Treaty⁴, ratified by India in 2014, obliges contracting states to facilitate the creation and cross-border exchange of accessible format copies. Section 52(1)(zb)⁵ of the Indian Copyright Act endorses this mandate, permitting conversion of copyrighted works into formats such as Braille, audiobooks, and digital text without the author's permission, provided it serves persons with disabilities. Yet, the lived realities of visually impaired students reflect a profound disconnect between law and implementation.

¹ "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

² An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto. WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006.

³ <https://www.copyright.gov.in/Documents/Copyrightrules1957.pdf>, last accessed on 19/10/25

⁴ The WIPO-administered Marrakesh Treaty makes the production and international transfer of specially-adapted books for people with blindness or visual impairments easier. It does this by establishing a set of limitations and exceptions to traditional copyright law. The Marrakesh Treaty was adopted on June 27, 2013, and entered into force on September 30, 2016, <https://www.wipo.int/en/web/marrakesh-treaty>, last accessed on 19/10/25

⁵ *The reproduction or adaptation of a work in an accessible format exclusively for use by persons with a disability, by a non-profit organization or institution, for educational or research purposes, provided that such copies are not distributed for commercial purposes.*

This paper seeks to explore that disconnect through a socio-legal analysis grounded in empirical data from 360 visually impaired learners in Tamil Nadu. It interrogates the legal, institutional, and technological barriers that sustain the book famine, with particular emphasis on the failure of educational institutions to ensure meaningful access. By integrating statutory interpretation, case law, including the landmark *Rameshwari Photocopy case*⁶ and international legal standards, this work advances a critical argument: that the mere existence of copyright exceptions is insufficient. True accessibility demands proactive institutional compliance, awareness dissemination, and infrastructural reform. Accordingly, this study situates the question of access to knowledge within the broader jurisprudential discourse on substantive equality, dignity, and the right to education. It argues that legal reform must be complemented by institutional accountability to dismantle structural barriers faced by visually impaired students. The findings not only call for stronger enforcement mechanisms but also urge a fundamental shift towards accessibility as a non-negotiable legal obligation rather than a charitable concession.

Accordingly, this study situates the question of access to knowledge within the broader jurisprudential discourse on substantive equality, dignity, and the right to education. It argues that legal reform must be complemented by institutional accountability to dismantle structural barriers faced by visually impaired students. The findings not only call for stronger enforcement mechanisms but also urge a fundamental shift towards accessibility as a non-negotiable legal obligation rather than a charitable concession.

Legal and Theoretical Framework

The legal architecture governing the rights of visually impaired learners in India derives from a matrix of constitutional provisions, statutory mandates, and international treaty obligations. Central to this discourse is **Article 21A⁷ of the Constitution**, which guarantees the right to free and compulsory education. While this provision was primarily designed for children, its interpretive expansion through judicial decisions has affirmed education as an extension of the right to dignity under Article 21⁸. Further reinforcement is found in the **Rights of Persons with Disabilities Act, 2016 (RPwD Act)**⁹, which mandates inclusive education and obligates

⁶ *University of Oxford v. Rameshwari Photocopy Services* [2016] 16 DRJ (SN) 678 (Delhi HC).

⁷ Supra n. 1

⁸ “No person shall be deprived of his life or personal liberty except according to procedure established by law”. <https://indiankanoon.org/doc/1199182/>, last accessed on 19/10/25

⁹ Supra n. 2

educational institutions to provide reasonable accommodation, including accessible learning materials. Section 16¹⁰ of the Act explicitly requires the government and institutions to “provide accessible format educational content”. A critical legislative turning point came with the **2012 amendment to the Copyright Act, 1957**, which inserted **Section 52(1)(zb)**¹¹, a landmark provision permitting the conversion of copyrighted works into accessible formats such as Braille, DAISY, large print, or digital text: “The adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by any person or organisation working for the benefit of persons with disability, shall not constitute infringement...” This legal recognition, however, remains largely underutilised due to lack of institutional awareness, bureaucratic inertia, and infrastructural limitations.

Internationally, India is bound by the **Marrakesh Treaty (2013)**¹², whose primary objective is to “end the book famine” by facilitating cross-border exchange of accessible format works. Article 4 of the Treaty mandates member states to implement domestic copyright limitations supporting the creation of accessible materials “without the authorisation of the rights holder”. The **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**, particularly **Article 24**¹³, underscores the obligation to ensure an inclusive education system at all levels: “States Parties shall ensure persons with disabilities are not excluded from the general education system on the basis of disability... and receive the support required, within the general education system, to facilitate their effective education.”

Analysis of Empirical Findings

This section critically analyses the empirical data collected from 360 visually impaired and print-disabled learners across Tamil Nadu. The objective is to interpret how legal provisions on accessibility, particularly copyright exceptions intersect with lived educational barriers, thereby evidencing the persistence of the “book famine” despite statutory reforms.

Demographic Context and Educational Inclusion

The dataset reveals that a predominant 69.7% of respondents fall within the age group of 18 to

¹⁰https://www.indiacode.nic.in/bitstream/123456789/15939/1/the_rights_of_persons_with_disabilities_act%2C_2016.pdf. last accessed on 19/10/25

¹¹ Supra n.5

¹² Supra n . 4

¹³ UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006, UN Doc A/RES/61/106 (entered into force 3 May 2008).

24 years, reflecting that the crisis of inaccessible educational materials primarily affects active learners in higher education. Gender distribution indicates 50.8% male, 38.3% female, and a significant 10.8% identifying as third gender. This diversity underscores that accessibility barriers cut across gendered categories, confirming accessibility as an intersectional right rather than a medical provision. In academic participation, 44.2% are undergraduates and 42.2% postgraduates, confirming that visually impaired learners are actively pursuing higher education. However, representation in doctoral programmes is markedly lower (6.4%), suggesting attrition linked to academic inaccessibility rather than intellectual insufficiency.

Nature of Impairment and Academic Barriers

The majority (64.7%) are affected by low vision, while 32.5% are fully blind and 29.7% are print-disabled. This evidences the inadequacy of a Braille-exclusive approach; accessible publishing must encompass multiple formats - audio, e-text, large print, DAISY—consistent with the Marrakesh Treaty's mandate for format diversity. A striking 91.4% report being unable to read printed text, and 48.6% face difficulty interpreting visual content such as charts and diagrams. This confirms that academic exclusion is not merely due to lack of textbooks but due to non-visual pedagogy and failure to provide tactile or descriptive alternatives.

Institutional Support and Systemic Deficiencies

Despite legal duties under the RPwD Act and Copyright Act Section 52(1)(zb)¹⁴, educational institutions remain largely non-compliant. Findings show:

- 87% of respondents have never or rarely received institutional training on accessing copyrighted materials.
- Only 13.9% find study materials accessible.
- 97.8% are unaware of publishers offering accessible formats.

This presents a contradiction: Indian copyright law permits accessibility, yet institutional practice perpetuates exclusion.

Awareness of Legal Rights and the Marrakesh Treaty: Legal illiteracy is a core barrier sustaining the book famine:

¹⁴ Supra n.5

Legal Awareness Indicator	Aware	Not Aware
Section 52(1)(zb) Exception	30%	70%
Right to Create Accessible Copies	6.4%	93.6%
Awareness of Marrakesh Treaty	5.6%	94.4%

Despite India being an early signatory to the Marrakesh Treaty, the intended beneficiaries remain unaware of its existence. This alienation from their legal entitlements transforms a statutory protection into a dormant right.

Reliance on Informal Networks over Legal Channels: Findings indicate 90% depend on personal networks and 83.1% on online sources for accessible materials, while only 7.1% source through educational institutions. Furthermore, 52.3% openly admit using unauthorised alternative sources, driven by necessity rather than defiance. This establishes a direct consequence of legal ambiguity: copyright regimes push disabled students into informal legality.

Assistive Technology: Availability without Sufficiency: While 97.2% use screen readers and 74.2% rely on audiobooks, 73.1% rate assistive technology as only moderately sufficient, indicating that technology exists but is unsupported by content, training, or institutional infrastructure. The law provides for rights in theory, but absence of enforcement renders it hollow in practice.

Core Challenges under Copyright and Law

The culminating challenge is concisely captured in the data:

- 98.1% identify lack of awareness of copyright exceptions as the greatest barrier.
- 43.6% cite limited availability of accessible formats despite legal rights.
- 16.4% highlight bureaucratic barriers.

This empirically affirms the central premise of this study: the book famine is not caused by absence of law, but by absence of implementation.

Analytical Summary

The empirical evidence clearly demonstrates that legal frameworks such as the Indian Copyright Act and Marrakesh Treaty remain underutilised due to institutional apathy, legal illiteracy, and absence of enforceable accountability. The data transforms a theoretical legal critique into empirical proof that right without access is exclusion, and permission without awareness is futility. The empirical findings reveal a profound disconnect between the legal guarantees afforded to visually impaired learners and the practical realities of educational access in Tamil Nadu. Despite progressive legal frameworks such as the Copyright Act (Section 52(1)(zb))¹⁵, the Rights of Persons with Disabilities Act, 2016, and India's ratification of the Marrakesh Treaty, the lived experiences of learners demonstrate that the promise of accessibility remains largely unfulfilled. The law, though theoretically enabling, has failed in its operationalisation due to institutional inaction, lack of awareness, and absence of enforcement mechanisms.

A central issue that emerges is the transformation of disability rights from enforceable legal entitlements into symbolic assurances. The principle of substantive equality under Articles 14¹⁶ and 21¹⁷ of the Constitution requires not mere non-discrimination, but affirmative facilitation. However, the continued reliance on informal networks and unauthorised access to study materials, as evidenced by over half of the respondents, indicates that the State and educational institutions are abdicating their constitutional responsibilities. Instead of functioning as guarantors of rights, institutions have placed the burden of accessibility on disabled students themselves.

The data further exposes a legal literacy gap of critical magnitude. While the Copyright Act explicitly permits accessible format reproduction under Section 52(1)(zb), over 90% of respondents remain unaware of this provision. The Marrakesh Treaty, whose primary objective is to end the global "book famine", is virtually unknown to its intended beneficiaries. This transforms statutory exceptions into dormant rights with no practical value. Legal entitlements without dissemination amount to procedural injustice. Moreover, the reliance on assistive technology by 97.2% of respondents is undermined by the absence of accessible content and

¹⁵ Supra n. 5

¹⁶ "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.", Constitution of India 1950.

¹⁷ "No person shall be deprived of his life or personal liberty except according to procedure established by law." Constitution of India 1950.

institutional support. Technology cannot substitute for legal and infrastructural accountability. The failure of universities and libraries to provide alternative formats or tactile resources illustrates a breach of Section 16 of the RPwD Act¹⁸, which mandates “reasonable accommodation” for students with disabilities. Accessibility, therefore, must be reframed not as a charitable gesture, but as a legally enforceable obligation.

The persistence of the book famine is not due to the absence of law, but due to its non-implementation. The findings confirm that accessibility is hindered by systemic silence, where laws exist on paper, but institutions remain inert. Without institutional enforcement, copyright reform alone cannot dismantle structural exclusion. The legal system must recognise that denial of accessible education constitutes a violation of dignity, equality, and the right to knowledge. In summary, the discussion illustrates that disability rights in India have entered a post-legislative era, where the fight is no longer for recognition, but for realisation. The question is no longer whether visually impaired students have a right to accessible education, but whether the State and institutions will fulfil their corresponding duty to provide it.

RECOMMENDATIONS

The persistence of the book famine among visually impaired learners in Tamil Nadu calls for urgent intervention beyond legislative recognition. The findings indicate that the primary barrier is not legal absence, but institutional inaction. Therefore, the following legal and institutional reforms are recommended to transform accessibility from an abstract right into an enforceable reality. There must be a systematic dissemination of information regarding Section 52(1)(zb) of the Copyright Act and the Marrakesh Treaty. Both students and institutional authorities should be made aware that accessible reproduction does not require permission from copyright holders. National bodies such as the University Grants Commission (UGC) and State Higher Education Councils should issue mandatory accessibility circulars and ensure compliance through audits. Legal literacy initiatives must be integrated into orientation programmes for visually impaired learners.

Educational institutions must be held legally accountable under the RPwD Act, 2016, particularly Section 16, which mandates inclusive education. Universities and colleges should establish dedicated Accessibility Cells responsible for providing materials in Braille, audio, DAISY, and e-text formats. These cells should coordinate with libraries, publishers, and NGOs

¹⁸ Supra n.10

to ensure availability of accessible academic content. Institutional negligence in providing formats should amount to a statutory violation, enforceable through penalties or administrative action. Public and academic libraries must adopt accessible publishing standards and collaborate with authorised entities under the Marrakesh Treaty. Digital repositories such as Sugamya Pustakalaya¹⁹ should be expanded, and integration with university systems should be made compulsory. Libraries should maintain a proactive duty to convert core course materials into accessible formats before the commencement of academic sessions, rather than upon individual request.

While most respondents use screen readers and audio tools, the absence of structured digital content limits their utility. Institutions should standardise the use of accessible formats such as EPUB3, DAISY²⁰, and tagged PDFs. Faculty training programmes must include orientation on inclusive pedagogy and the preparation of alt-text descriptions, tactile graphics, and non-visual teaching modules. The responsibility of accessibility must shift from students to institutions. The Government of Tamil Nadu, in coordination with the Ministry of Education and the Department of Empowerment of Persons with Disabilities, must establish an enforcement authority to monitor accessibility compliance in higher education. Amendments may be proposed to explicitly include educational accessibility as a justiciable right, enforceable through grievance redress mechanisms. Budgetary allocations must be earmarked specifically for accessible content production within government-aided institutions.

Finally, accessibility must be reframed as a matter of legal duty rather than benevolence. The principles of substantive equality and reasonable accommodation impose a direct obligation on the State to ensure that visually impaired learners receive materials in formats they can use. The prevailing dependence on personal networks and unauthorised sources is a silent indictment of institutional failure. A rights-based approach must replace charitable models to guarantee educational justice. The eradication of the book famine is not contingent on new law, but on the fulfilment of existing legal promises. India possesses the legislative tools; what is now required is the institutional will to implement them. Until accessibility is enforced as a

¹⁹ Sugamya Pustakalaya is a collaborative effort of TCS, Daisy Forum of India and NIEPVD (National Institute for Empowerment of Persons with Visual Disabilities), Government of India to end the book famine faced by people with print disabilities. <https://www.sugamyapustakalaya.org.in/welcomeLink.action>, last accessed on 19/10/25

²⁰ <https://daisy.org/info-help/document-archive/press-release-epub-3-the-strategic-solution-for-your-digital-documents/>, last accessed on 19/10/25

right, equality in education will remain a legislative illusion.

Conclusion

The persistence of the book famine among visually impaired learners in Tamil Nadu exposes a critical gap between legal recognition and practical enforcement. Although India has enacted progressive frameworks, such as the Copyright Act's Section 52(1)(zb)²¹, the RPwD²² Act, and its commitment to the Marrakesh Treaty, their benefits remain largely inaccessible due to institutional inaction and lack of awareness. This study demonstrates that the core issue is not legislative inadequacy, but the absence of implementation. The overwhelming legal illiteracy among learners and the reliance on informal or unauthorised sources for academic materials underline a systemic failure to operationalise existing rights. Rights without institutional enforcement exist only in principle, not in practice.

True accessibility must be treated as a constitutional duty grounded in equality and dignity, rather than a matter of discretion or charity. Educational institutions, libraries, and State authorities must assume proactive responsibility for providing materials in accessible formats, supported by training, infrastructure, and accountability. Ultimately, eliminating the book famine does not require new laws; it requires commitment to existing ones. Real inclusion will only be achieved when accessible education becomes a routine obligation, not an exception. The fulfilment of legal promise depends not on further recognition, but on faithful execution.

²¹ Supra n. 5

²² Supra n. 2

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