**THE LEGAL CASE FOR PRINT ACCESS: A READY RECKONER**

Access to printed works especially educational material in accessible formats is a legally binding obligation on all state education boards under the following legal provisions:

**The United Nation Convention on Rights of Persons with Disability, 2006 (India has signed and ratified the same)**

* Article 21, Freedom of expression and opinion, and access to information: (a) Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost.
* Article 24 Education: (1). States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

**Indian Constitution:**

1. **Article 16 Equality of opportunity in matters of public employment.**
2. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State
3. **Article 19 Protection of certain rights regarding freedom of speech, etc.**

(1) All citizens shall have the right

(a) provides for ‘freedom of speech and expression’

(*g)* To practice any profession, or to carry on any occupation, trade or business

1. **Article 21: Right to Life**

This right has been interpreted to include the right to read and participate in culture. Illustratively, the court in Francis Coralie Mulin (1981 SC case) held:

“*The right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessaries of life such as adequate nutrition, clothing and shelter and* ***facilities for reading, writing and expressing oneself in diverse forms…***

1. **Article 21 A: Right to Education**

Provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right in such a manner as the State may, by law, determine.

**The Persons with Disabilities Act, 1995 (PWD)**

* + Sec 27 (f) Providing every child with disability free of cost special books and equipment needed for his education
	+ Section 28. The appropriate Governments shall initiate or cause to be initiated research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, special teaching materials or such other items as are necessary to give a child with disability equal opportunities in education.

**National Policy for Persons with Disability, 2006**

*The policy outlines ‘that Persons with Disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society.’*

It highlights creating a Barrier Free environment and working towards inclusive education as principle areas of intervention

* 1. Part IV, Sec. 48 (iv) : creating and making Teaching/learning tools and aids such as educational toys, Braille/talking books, appropriate software etc. available and to provide incentives to expand facilities for setting up of general libraries, e-libraries, Braille-libraries and talking books libraries, resource rooms etc.
	2. Part VI Sec 51(viii) Taking Proactive steps to ensure disability-friendly IT environment in the country.

**The Right to Education Act, 2010**

* Mandating the need to compulsory and free education to all children from six to fourteen years including students with disabilities.
* This automatically mandates for need to educational material available in accessible formats

**Copyright Amendment Act (2012)**

* Section 52 (1)The following act shall not be an infringement of copyright, namely:
(zb) the adaptation, reproduction, issue of copies or communication to the public of any work in any accessible format, by
(i) any person to facilitate persons with disability to access to works including sharing with any person with disability of such accessible format for private or personal use, educational purpose or research; or

(ii) any organization working for the benefit of the persons with disabilities in case the normal format prevents the enjoyment of such works by such persons:
Provided that the copies of the works in such accessible format are made available to the persons with disabilities on a nonprofit basis but to recover only the cost of production:

Provided further that the organization shall ensure that the copies of works in such accessible format are used by persons with disabilities and takes reasonable steps to prevent its entry into ordinary channels of business.

**Explanation**. For the purposes of the sub-clause, “any organization” includes an organization registered under section 12A of the Income Tax Act, 1961 and working for the benefit of persons with disability or recognized under Chapter X of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995 or receiving grants from the Government for facilitating access to persons with disabilities or an educational institution or library or archives recognized by the Government.

* 31B. (1) Any person working for the benefit of persons with disability on a profit basis or for business may apply to the Copyright Board, in such form and manner and accompanied by such fee as may be prescribed, for a compulsory license to publish any work in which copyright subsists for the benefit of such persons, in a case to which clause (zb) of sub-section (1) of section 52 does not apply and the Copyright Board shall dispose of such application as expeditiously as possible and endeavor shall be made to dispose of such application within a period of two months from the date of receipt of the application.
* (2) The Copyright Board may, on receipt of an application under sub-section (1), inquire, or direct such inquiry as it considers necessary to establish the credentials of the applicant and satisfy itself that the application has been made in good faith.
* (3) If the Copyright Board is satisfied, after giving to the owners of rights in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, that a compulsory license needs to be issued to make the work available to the disabled, it may direct the Registrar of Copyrights to grant to the applicant such a license to publish the work.
* (4) Every compulsory license issued under this section shall specify the means and format of publication, the period during which the compulsory license may be exercised and, in the case of issue of copies, the number of copies that may be issued including the rate or royalty: Provided that where the Copyright Board has issued such a compulsory license it may, on a further application and after giving reasonable opportunity to the owners of rights, extend the period of such compulsory license and allow the issue of more copies as it may deem fit.