

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 12.10.2022

DELIVERED ON : 19.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.5769 of 2018

P.Ramkumar

... Petitioner

-VS-

1.State of Tamil Nadu Rep. by
The Principal Secretary,
Ministry for Tamil Official Language
and Tamil Culture,
State of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.

2.State of Tamil Nadu Rep. by
The Principal Secretary,
Ministry for Information and Publicity,
State of Tamil Nadu, Secretariat,
Chennai - 600 009.

3.State of Tamil Nadu Rep. by
The Principal Secretary,
School Education Department,
State of Tamil Nadu,
Secretariat, Chennai - 600 009.

4.The Vice-Chancellor,
Tamil University,
Tamil University Road,
Thanjavur - 613 010.

5.The Director,
International Institute of Tamil studies,
2nd Main Road, C.I.T. Campus,
Kazhi Kundram, Taramani,
Chennai - 600 113.

6.The Vice Chairperson,
Central Institute of Classical Tamil (CICT)
Institute of Road Transport Campus,
Plot No.40, 100 Feet Road
Taramaani, Chennai 600 113.

7.The Administrative Officer,
Tamil Nadu Text Book and Educational Services Corporation
Tamil Nadu Textbook Corporation,
Chennai – 600 006.

8.The Project Director,
Tamil Nadu State Blindness Control Society,
Egmore, Chennai – 600 008.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take immediate action to bring out Braille Version of Thirukkural in Tamil and English languages with standard interpretation to ensure the visually challenged people to read and recite and enjoy the essence of Thirukkural on their own within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 to R3

ORDER

R.MAHADEVAN, J.

The petitioner having suffered 100% visual disability, knocks the doors of this Court with this Public Interest Litigation, for issuance of mandamus, directing the respondents to take immediate action to bring out Braille Version of Thirukkural in Tamil and English languages with standard interpretation to ensure the visually challenged people to read, recite and enjoy the essence of Thirukkural on their own, within a time frame to be stipulated by this Court.

2. Before embarking upon the grievance of the petitioner, pertinently, it is to be pointed out that we are in the era of a global 'book famine', which means non-availability of books and printed works in an accessible format for the people with 'print disabilities' including the visually challenged. It was coined in the context of adoption of 'Marrakesh Treaty' to facilitate access to published works for persons, who are blind, visually impaired or otherwise print disabled. The 'Marrakesh Treaty' focuses on addressing the intellectual property (copyright) barriers, besides highlights

the dearth of accessibility of books to the persons with disabilities and the importance of breaking such barriers to eradicate the 'book famine'. The present Public Interest Litigation reflects a situation of book famine, *qua* braille form of Thirukkural in Tamil and English languages, for the visually challenged persons.

3. According to the petitioner, who is a B.A. L.L.B. (Hons) degree holder; and is doing L.L.M. and research works in the law relating to differently abled persons, Thirukkural is an ancient didactic literature in Tamil language written by the great saint Thiruvalluvar more than 2000 years ago and it has been recognized as a Book of Virtue by the World. It is the only ancient non-religious literature of virtues, moral and ethical values and that, every couplet teach the principles to lead a noble life. That was the reason, this masterpiece has been translated into all the Indian languages and many of the foreign languages.

4. The petitioner further pointed out that the "Thirukkural" has become a mandatory subject in the school curriculam and it has been reaching every nook and corner of the world by translation, e-version and kindle edition. Paradoxically, the visually impaired persons are not able to

read, recite, understand and enjoy the treasure trove of Thirukkural on their own, as there is no Braille version of Thirukkural published by the Government and other Educational institutions, due to which, the visually challenged persons, particularly, students, have been denied from their inalienable and precious right of reading and reciting Thirukkural, thereby violating the fundamental rights as enshrined under Article 21A of the Constitution of India. The petitioner stressed on the importance of braille version of Thirukkural, stating that a blind without lights in his eyes, can see the vision of the great philosopher Thiruvalluvar by reading his work. Therefore, the publication of braille version for visually impaired persons would not cause any prejudice to the organs of the State, rather it would promote the tamil literature and great values of the Thirukkural among the present generation of vision impaired youths and students. Stating so, the petitioner made a representation on 19.02.2018 to the respondent authorities, but the same yielded no response. Therefore, this writ petition.

5. Adding further, the learned counsel for the petitioner submitted that the Braille version of Thirukkural is an important academic tool and guiding light for life to the visually darkened people and it is the duty of the Government and the Central Institute of Classical Tamil and Tamil University

and World Tamil Research Institute to promote and disseminate Thirukkural and provide necessary study kits and materials to the visually impaired persons, by bringing out the Braille edition of Thirukkural and audio books and other similar electronic and digital tools to enable them to read, recite, understand and enjoy the greatest work of Thiruvalluvar. Therefore, the learned counsel sought appropriate direction to the respondent authorities in this regard.

6. Upon notice, the respondents 1, 2 and 5 filed a detailed counter affidavit stating that the Department of Tamil Development has the responsibility of publishing books, particularly, rare books and preserving the same for future by changing them in digital format and getting the recognition in the world diaspora by translating the works of Thirukkural, Sangam literature, etc and honouring the scholars who work for tamil by giving awards, nationalisation of books of renowned tamil scholars and conducting high level research and education of tamil by institutes like International Institute of Tamil Studies, World Tamil Sangam and Tamil University, Thanjavur. The counter affidavit further proceeds to state that the Braille version of Thirukkural book and related materials are available in the market. It is also stated therein that National Institute for the

Empowerment of Persons with Visual Disabilities (Divyangjan) is the competent authority to distribute the book of Thirukkural in Braille version at free of cost, subject to eligibility. Therefore, according to these respondents, there is no requirement to bring out the braille version of Thirukkural book at this juncture by the Government and the writ petition will have to be dismissed.

7. Reiterating the averments made in the counter affidavit, the learned Government Pleader appearing for the respondent authorities submitted that the Government through its Tamil Development Department, has taken all earnest steps to promote and disseminate the tamil literature, more particularly, Thirukkural, to all the people including the physically challenged. Elaborating further, the learned counsel submitted that for giving respect and memory to the great poet Thiruvalluvar and his universal ethics book 'Thirukkural', The Thiruvallurvar Day is celebrated on the 2nd day of the Tamil month of Thai every year by the Government; The Thiruvalluvar award is being given to those who spread the ethics of Thirukkural since 1986; amounts were sanctioned to the Educational institutions viz., International Institute of Tamil Studies, Thanjavur Tamil University, etc, for translation of Thirukkural in foreign languages, such as,

Arabic, Korean and chinese; and in 2013, Thirukkural Art Gallery has been established to visualise the Thirukkural in an art form. The learned counsel also submitted that the Indian Association for the Blind in Chennai and Madurai has brought out "Thirukkural" in Braille Version both in Tamil and English as a whole Braille book consisting of 7 volumes and selling the same at the concessional rate of Rs.1,960/-. That apart, various companies like pebbles, magic bric etc., are also selling audio format of Thirukkural, which will be useful for visually challenged people, like the petitioner herein. Besides that, the National Institute for the Empowerment of Persons with Visual Disabilities (Divyangjan) Regional Centre is distributing the book of Thirukkural in Braille version to the visually impaired persons, at free of cost. Therefore, the relief sought in this writ petition has already considered by the respondent authorities.

8. We have heard the learned counsel on either side and perused the materials available on record.

9. There cannot be any dispute that Thirukkural, a Holy book like the Bible and Quran, has been accepted to be universally applicable to every day life to every sphere and has been translated in more than 90 languages.

It has been considered as the gem of moral philosophies covering all branches of life. It is also known as truthful utterances.

It was observed by **G.U.Pope** that "*Thirukkural is as clear as an unpolluted spring. Yes! Thirukkural, the unique book, has come to remove the impurities of this world*". According to **John Lazurus**, '*Thirukkural is the moral soil of Tamil Nadu*'. Above all, the father of our nation, Mahatma Gandhiji said, '*I learned Tamil only to enable me to study Thiruvalluvar's Kural through his mother tongue itself. There is none who has given such a treasure of wisdom like him*'. Thus, the Thirukkural, stands above all races, castes and sects and what it teaches, is a general human morality and wisdom.

10. In this writ petition, the grievance expressed by the petitioner is that there is no Braille Version of Thirukkural book in Tamil and English languages published by the Government and Educational Institutions, so as to enable the vistically impaired persons to read, recite, understand and enjoy its essence. Therefore, inaccessibility of the Thirukkural to the persons with visual disabilities, would amount to discrimination.

11. At this juncture, it is worthwhile to mention the provisions of law relating to the persons with disabilities, which run thus:

- Article 30 of the Convention on the Rights of Persons with Disabilities recognises their right to participate in cultural life on an equal footing with others and imposes an obligation on the States to take appropriate measures to ensure that the persons with disabilities enjoy cultural materials in accessible formats.
- Article 22 of the Universal Declaration of Human Rights expounds that every member of the society is entitled to enjoy the cultural rights indispensable for his dignity and the free development of his personality and requires national efforts to be made for the same. More particularly, Article 27 of the same, recognizes the right of every member of the society to participate in the cultural life.
- In 1993, as a result of the recognition of the decade as the Decade of disabled persons, the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities was adopted by the General Assembly and it identifies 'culture' as one of the target areas for equal

participation and provides that States should initiate action to make literature and theatre accessible for persons with disabilities in order to ensure their equal participation and integration into cultural life (Rule 10).

- The Rights of Persons with Disabilities Act, 2016 defines inclusive education as a system of education, wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities. Section 29 of the said Act, 2016 provides for certain measures to be taken by the Government to promote and ensure participation in cultural and recreational life. Sections 16 to 18 further impose certain obligations on the Government to take certain measures to promote and facilitate inclusive education for children as well as for adults.

From the above, it is vivid that the Thirukkural, apart from being a part of the formal curriculum, is forming part of an informal education as well. Thus, as rightly pointed out by the learned counsel for the petitioner, the non-dissemination of Thirukkural in accessible formats impairs the

enjoyment of cultural life and inclusive education of the visually challenged on an equal footing with others, which would amount to discrimination and reasonable accommodation as defined in section 2(h) and 3 of the Rights of Persons with Disabilities Act, 2016.

12. It is to be recollected here that in the order dated 26.04.2016 passed by one of us (RMDJ) in **WP(MD).No.11999 of 2015 (S.Rajarithinam v. The Secretary to Government, Home Department, Fort St.Geroge, Chennai and others)**, it was observed that appropriate action must be taken by the Government through the committee which decides the syllabus, considering the noble objective and the demanding situation and finalize the syllabus by including 108 chapters / Adhigarams of Thirukkural (Arathupal and Porutpal) in the curriculum of students between VI standard and XII standard, keeping in mind that the purpose of education must be to build a nation with moral values. In compliance with the said order of this court and having regard to the fact that Thirukkural, a treasure of intelligent insight which preaches moral, social and family virtues, is one among the oldest and greatest contribution of the Tamil language to the world literature, the Government passed G.O.Ms.No.51, School Education (ERT) Department, dated

21.03.2017, and directed to take steps to ensure that the moral virtues in "Thirukkural" are taught through moral stories, folk songs, scriptures and motion pictures to be created and published often using the latest technology regularly and to spread the message in the Thirukkural through internet so as to reach the tamil people living throughout the world.

13. Further, it could be seen from the averments made in the counter affidavit as well as the submissions made by the learned Government Pleader appearing for the respondent authorities that the Indian Association for the Blind in Chennai and Madurai has published "Thirukkural" in Braille Version both in Tamil and English, which is available at the concessional rate of Rs.1,960/- and the National Institute for the Empowerment of Persons with Visual Disabilities (Divyangjan) Regional Centre is also distributing the book of Thirukkural in Braille version at free of cost to the visually impaired persons, subject to eligibility.

14. By suggesting the supply of Braille version of Thirukkural to the visually challenged for free of cost, this court directed the government pleader to get necessary instructions and on 12.10.2022, when the matter was taken up for hearing, the learned Government Pleader appearing for the

respondent authorities has produced a communication dated 06.10.2022 sent by the Director of Tamil Development Department, Egmore, Chennai, to the effect that the Central Institute of Classical Tamil, Chemmozhi Salai, Perumbakkam, Chennai, is going to distribute 45 Sanga Ilakkiya Noolgal, including "Thirukkural" in braille format to the visually challenged persons at free of cost; as of now, 75% of the work has been completed; and the remaining 25% will be completed by the end of December, 2022. The said communication further proceeds to state that if the visually challenged persons send a copy of their ID card along with the required details to the Director, Central Institute of Classical Tamil (CICT), Chemmozhi Salai, Perumbakkam, Chennai -600 100, Tamil Nadu, the books will be delivered to their address at free of cost. The details of 45 books mentioned in the said communication, read as follows:

நூல்களின் விவரம்

1. தொல்காப்பியம் - 1 நூல்
2. பத்துப்பாட்டு - 10 நூல்

திருமுருகாற்றுப்படை
பொருநராற்றுப்படை
சிறுபாணாற்றுப்படை
பெரும்பாணாற்றுப்படை
முல்லைப்பாட்டு
மதுரைக்காஞ்சி

நெடுநல்வாடை
குறிஞ்சிப்பாட்டு
பட்டினப்பாலை
மலைபடுகடாம்

3. எட்டுத்தொகை - 8 நூல்கள்

நற்றிணை
குறுந்தொகை
ஐங்குறுநூறு
பதிற்றுப்பத்து
பரிபாடல்
கலித்தொகை
அகநானூறு
புறநானூறு

4. பதினெண்கீழ்க்கணக்கு -18 நூல்கள்
(திருக்குறள் நூலும் இடம் பெற்றுள்ளது)

நாலடியார்
நான்மணிக்கடிகை
இன்னா நாற்பது (நானாற்பதில் ஒன்று)
இனியவை நாற்பது (நானாற்பதில் ஒன்று)
கார் நாற்பது (நானாற்பதில் ஒன்று)
களவழி நாற்பது (நானாற்பதில் ஒன்று)
ஐந்திணை ஐம்பது (ஐந்திணை தொகுப்பில் ஒன்று)
ஐந்திணை எழுபது (ஐந்திணை தொகுப்பில் ஒன்று)
திணைமொழி ஐம்பது (ஐந்திணை தொகுப்பில் ஒன்று)
திணைமாலை நூற்றைம்பது (ஐந்திணை தொகுப்பில் ஒன்று)

முப்பால் (திருக்குறள்)

திரிகடுகம்
ஆசாராக் கோவை
பழமொழி நானூறு
சிறுபஞ்சமூலம்
கைநநிலை
முதுமொழிக் காஞ்சி
ஏலாதி

| | | |
|---------------------------------|---|-------------------|
| 5. சிலப்பதிகாரம் | - | 1 நூல் |
| 6. மணிமேகலை | - | 1 நூல் |
| 7. இறையனார் (அகப்பொருள் உரை) | - | 1 நூல் |
| 8. இலக்கண நூல்கள் | - | 5 நூல்கள் |
| மொத்தம் - | | 45 நூல்கள் |

15. Such being the present scenario, this Court is of the view that the prayer made in this writ petition has been meted out by the respondent authorities and hence, no further adjudication required herein. However, while recording the submissions and the communication produced on the side of the respondents, this court deems it appropriate to direct the respondent authorities to give wide publication about the availability of sangam literature, including Thirukkural in braille form in Tamil language, so as to enable all the persons visually challenged, to read, recite, understand and enjoy the glory and culture of this land. The petitioner is at liberty to approach the Central Institute of Classical Tamil for receiving the braille version of Thirukkural, and other texts at free of cost, as per the procedure laid down therein.

16. With the above observation and direction, this writ petition stands disposed of. No costs.

17. Before parting, this Court appreciates the services of the Central Institute of Classical Tamil, and the Government in making the Sanga Illakkiya Noolgal (Sangam Literature) available to the visually challenged people through braille edition to understand and cherish its sweetness and knowledge.

[R.M.D.,J.] [J.S.N.P.,J.]
19.10.2022

Index : Yes / No
Internet : Yes
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To

- 1.The Principal Secretary,
Ministry for Tamil Official Language
and Tamil Culture,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.
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r n s/ps

**Pre-delivery order in
W.P(MD)No.5769 of 2018**

19.10.2022