# Chapter 38

# Facilitating Access to Indian Cultural Heritage:
## Copyright, Permission Rights and Ownership Issues vis–à–vis IGNCA Collections

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## ABSTRACT

*It is estimated that India possesses more than five million manuscripts on varied subjects lying scattered or fragmented in India and foreign collections. This invaluable and unique pool of knowledge is under threat. Recognizing the need to encompass and preserve this knowledge resource and to make these accessible to scholars and researchers, Kala Nidhi Division of Indira Gandhi National Centre for the Arts (IGNCA) initiated a microfilming of manuscripts programme of private and public institutions in 1989. IGNCA has, so far, microfilmed over 250000 manuscripts in 20,600 microfilm rolls, out of that 14,400 rolls have been digitized. National Mission for Manuscripts (NMM) established in February 2003 seeks to unearth and preserve the vast manuscript wealth of India. The digitization of over 25000 manuscripts under NMM, IGNCA and also under project mode by Cultural Informatics Laboratory (CIL), IGNCA makes largest repository of copies of manuscripts at IGNCA. Besides, IGNCA is also having a unique collection of 2500 rare books, about 1,0,5000 slides, 2000 paintings, 3000 photographs, more than 3000 hours of video recordings, art objects, 10 personal collections of eminent scholars such as Dr. Suniti Kumar Chatterjee, Prof. Hazari Prasad Dwivedi, Dr. Kapila Vatsyayan and Prof. Maheswar Neog, photo documentation work on Rock Art, and various museums in India etc. Many of these collections such as rare books, photographs etc are well covered and some are not covered under copyright laws. However, there are issues such as ownership rights, permission rights and access rights etc, which do not allow open access to these collections. As per the existing arrangements, consultation to all collections at IGNCA is allowed to all, 25% copies of the material are also allowed on cost basis. However, to get a copy of the material, user need to approach the concerned library (from where the copies have been obtained) to seek permission. This chapter attempts to describe factors considered as hindrance*

*to providing access to Indian cultural heritage material. Lack of proper policy guidelines especially on copyright issues and intellectual property rights concerning both cultural heritage materials in original as well as in digital form are an obstacle. Open access initiatives worldwide are advocating access to even current information. Cultural heritage belongs to the humanity worldwide, therefore, access should be given to all. These issues, which may not be solved at individual level or institutional level, require debate, deliberations and formulation of policy framework at the highest level.*

## INTRODUCTION

The term cultural heritage denotes all kind of archival material related to cultural traditions of various civilizations of the world. It refers to knowledge created by the people associated with Art, culture and allied areas. cultural heritage may be classified as tangible cultural heritage and intangible cultural heritage. Tangible cultural heritage may be further divided as immoveable and natural heritage. Moveable heritage includes work of arts, books, manuscripts, artifacts, art objects, artwork etc. Immoveable Heritage refers architecture, monuments, archeological sites and buildings to historical significance. Natural heritage may include the record of the countryside, natural environment, flora and fauna, forests, etc.

According to the 2003 UNESCO Convention for Safeguarding of the Intangible Cultural Heritage, the intangible cultural heritage (ICH) – or living heritage – is the mainspring of our cultural diversity and its maintenance a guarantee for continuing creativity. Oral traditions and expressions including language as a vehicle of the intangible cultural heritage; Performing arts (such as traditional music, dance and theatre); Social practices, rituals and festive events; knowledge and practices concerning nature and the universe; traditional craftsmanship; water management, tradition healings. Intangible Heritage includes those knowledge resources, which are not formally documented and may not be available in form of a material. Government of India has ratified the UNESCO Convention for safeguarding of intangible cultural heritage. It also agreed to contribute to the "Fund for the Safeguarding of the Intangible Cultural Heritage" at least every two years.

## INDIAN CULTURAL HERITAGE

The glorious past of Indian culture lies in ancient manuscripts. These are the basic historical evidence and have great research value, which led to recognize its need and importance internationally. It is estimated that India possesses more than five million manuscripts, making her the largest repository of manuscript wealth in the world. They are written on different kinds of material like birch bark, palm leaf, cloth and paper. These manuscripts are in the custody of different institutions like libraries, museum, mutts and individuals.

An estimate of heritage wealth of India is shown in Table 1.

Though our ancestors had tried to preserve these manuscripts, thousands of such valued unpublished Indian manuscripts on varied subjects are lying scattered or fragmented in India and foreign collections and some of these are no longer accessible to research scholars. This invaluable

*Table 1. Heritage wealth of India*

| Total number of manuscripts in India | 5,000,0000 |
|---|---|
| Indian manuscripts available in European countries | 60,000 |
| Indian manuscripts in South Asia and Asian countries | 1,50,000 |
| Number of manuscripts recorded in catalogue | 1,000,0000(approx.) |
| Percentage of manuscripts recorded in catalogue | 67% |
| Other Indian languages | 25% |
| Arabic/Persian/Tibetan | 8% |

Source:http://asiaitsummit.nic.in/digitisation.pdf

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