

Electronic Library of Spiritual Heritage: Copyright Limitations and Exceptions

Naresh Kumar Vats[†]

Rajiv Gandhi National University of Law, Punjab, Sidhuwal-Bhadson Road, Patiala – 147006, India

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Today, we are in the race of virtual world but due to inadequacy and costly affair for managing physical infrastructure, huge demand of labour needs big budget to maintain. However, short life of physical material as well as literature comparatively to digital world and time consuming affair to serve the users is a usual practice. With evolution of digitization, the information technology has opened the doors for the open access and the e-library has broken the boundary which has become accessible to users. On the one hand the students, scholars, knowledge seekers and learners will be able to get benefits of open access except the restricted contents in languages they desire and on the other hand the authors of the books and other literatures should not be deprived to their exclusive rights of reproduction, economic and dissemination. There may be accessibility to the data bank, in electronic form as literature, dramatic, scientific, an artistic works subject to the registration on particular domain as visitor/regular member or on payment as casual visitor whatever the conditions applied. The researchers aimed to analyse the limitation on rights of copyright owners on sharing of digitized information, understand the durability of electronic data on cultural, spiritual heritage and promotion of tourism.

Keywords: Electronic library, Traditional Knowledge Digital Library, open learning, digitization, copyrights, electronic data

Library is the sole backbone of any educational institution Library system which is also considered as a temple of knowledge. Today, electronic library is an emerging concept which is the dire need of the day. Electronic library is aimed to preserve and protect the knowledge related to spiritual, scientific, medical, legal domain, etc. Updated knowledge and information is the basic requirement of evolving society. Literature of Cultural transformation, political change and economic strategies and mechanisms are supposed to be preserved in the library. The traditional way of housing and maintaining the books, literature and its manual data involves a huge labor, big economy and space for all books and literatures for their maintenance. Adequate quantity of infrastructure is essential to maintain and keep their long life uses. The infrastructure including buildings, racks and Computer system are essential for keeping data base of books, magazines and journals, which needs to be cared and monitored by human involvement. Proper maintenance and preservation of huge data and its storage is the demand of the day.

The Rig Veda, Ramayana, Geeta, Gurugranth Sahib, Bible, Quran, Avesta, etc. are the oldest of scriptures and the Indian minds are experiencing the intimation of something divine and immortal within itself. The spirituality that emerges from the Vedas and the

Upanishads, and reinforced by Sri Krishna, Buddha, Shankara, GuruNanak Sahib, Lord Jesus and Prophet Mohammad is liberated into universality by Swami Vivekananda. He invests religion with the power to illumine and guide human life as a whole. We shall strive to focus on the points of digitization of knowledge where our interpretation regenerates the spirituality and heritage to fit for the modern world which otherwise will really fade either due to inadequacy of the literature, in the race of modernity and competition or obsessed virtual world. The author is trying to bring out the relevancy of promoting electronic library for spiritual heritage and preservation and its transformation to the coming generation.

Traditional to Virtual Learning

The modern society is speedily shifting from gurukulam to schools i.e. day boarder. Transformation of spiritual knowledge from *One to More* is gradually limiting to *One to One* and gaps are widening between the generations. Spiritual life and heritage is being confined to the fourwalls in museum and pictures. Modern generation dreams of it and they do not have reliable sources available to access. Original and dedicated authors of literatures and dramatists are rare but have not been given credible dues or sometimes exploited by the so called film directors and film actors or editors and even copyright disputes like between

[†]Email: vatsnk2006kuruksheeta@gmail.com

Ilayaraja and SP Balasubramanyam in 2017.¹ Therefore, the interest and values of writers, composers, authors, directors who help in digitizing these spiritual values, must be protected, recognized and promoted. The steps for digitizing the spiritual values and heritage for further preservation and transformation is protected under Section 13 of the Act which protect the “*Original Literary, dramatic, musical and artistic work; cinematograph films; and sound recording*”² for exclusive rights to the authors for production and communication of work which is exerted in the written, typed, printed, or any other form which can be displayed.

Relevancy of Electronic Library

Starting from the school learning to the university education, the modern generation is being cradled in learning and application of computer, mobiles and other electronic gadgets. They start learning and transact every walk of their life in the domain of Information Technology till their employment and business or profession. The society is almost dependent on the cyber world. For getting any kind of information about the world, one can Google their concern and get started. Their aims of search may be online banking, business, shopping, ticketing, tourism information, or availability of their study material etc. This becomes more productive to the users without wasting their valuable time and money investment on their visit as well as purchases.

But, in the absence of internet or cyber accessibility, their whole of the concerned business, economy, polity, social life get jammed and becomes unproductive.

Spiritual Heritage

India, with its 29 states with different culture and civilizations is one of the most populated countries in the world.³ The Indian culture, often labelled as an amalgamation of different cultures, spans across the Indian subcontinent. India has been influenced and shaped by a history that is several thousand years old. Throughout the history, Indian culture has been heavily influenced by religions. They have been credible in shaping much of Indian philosophy, literature, architecture, art and music. Greater India was the historical extent of Indian culture beyond the Indian subcontinent. Due to this reason, the spread of Hinduism, Buddhism, Sikhism, Muslim, Christianity etc. has grown well. The social architecture, administration and writing system from India to other parts of Asia through the Silk Road travelled and maritime traders helped in its prosperity during the early centuries of the Common

Era. To the west, Greater India overlaps with Persian the Hindu Kush and Pamir Mountains. Over the centuries, there has been significant fusion of cultures between Buddhists, Hindus, Muslims, Jains, Sikhs and various tribal populations in India.

India is the birthplace of Hinduism, Buddhism, Jainism, Sikhism, and other religions, collectively known as Indian religions.⁴ Indian religions are a major forms of world religions alongwith Abrahamic ones. Today, Hinduism and Buddhism are the world's third and fourth-largest religions respectively, with over 2 billion followers altogether,⁵ and possibly as many as 2.5 or 2.6 billion followers.⁶ Followers of Indian religions – Hindus, Sikhs, Jains and Buddhists make up around 80–82% population of India.

Bhagwad Gita And Spirituality

Bhagwad Gita is a way of life and it not a religion but spread spirituality to understand the universe. It speaks of “*Vasudev Kutumbhakam*” i.e. world is one family and all emerges from this. Swami Vivekananda (1863-1902), a great spiritual leader, thinker and a social reformer preached that spirituality is the very backbone of Indian culture. He observed that every nation has a particular ideal factor running through its whole existence, forming its very background. With some it is politics, while with others it is social culture, intellectual culture, and so on. Vivekananda says, “... *Our motherland has religion and religion alone for its backbone, for the bedrock upon which the whole building of its life has been based*’. *Since spirituality is the essence of religion, we should mark that Vivekananda has used the term religion in the same sense as spirituality*”.⁷

The Bhagavad Gita is a message addressed to each and every community of human individual to help him or her to solve the vexing problem of overcoming in the present and progressing towards a bright future. This Holy Scripture and spirituality is not just an “*old scripture*”, nor is it just a book of “*religious teachings*”, nor even a Hindu holy book but for all religions across the globe. It transcends the bounds of any particular religion or race, and is actually divine wisdom addressed to mankind for all times, in order to help human beings, to face and solve the ever-present problems of birth and death, of pain, suffering, fear, bondage, love and hate. Spirituality enables man to liberate himself from all limiting factors and reach a state of perfect balance, inner stability and mental peace, complete freedom from grief, fear and anxiety. Within eighteen chapters of Bhagwad Gita, Lord Krishna has revealed a human

drama. This is the sample of real experience of everyone in this world, the drama of the ascent of man from a state of utter dejection, sorrow and total breakdown and hopelessness to a state of perfect understanding, clarity, renewed strength and triumph.⁷

The seer of the Upanishads emphatically declare that the real man is all-pervading, immortal soul which is the substratum of this body, mind and world, which is behind the five sheaths, namely, the food, vital, mental, intellectual and bliss sheaths. The goal of life is to directly cognise or realise this self-luminous. Self which is hidden in this body as fire is hidden in wood or as butter in milk. This 'self' is the inner ruler, the unseen governor or hidden proprietor of this house, the body. Real religion is the attainment of this transcendental, supreme, undying, un-decaying essence through constant and intense meditation. Real life is life in the eternal soul. True life is identification with this Supreme Soul, which exists in the past, present and future, which has neither a beginning, middle nor end, which has neither parts nor limbs, which is neither subtle nor gross. The sages of ancient times attained this mysterious and most marvelous state through the eye of intuition or the divine third eye. They then explained the things of this world in the light of their intuitive knowledge of the 'self'. This is the direct method of self-realisation. You can ascend the summit of the hill of knowledge through science, art, nature, music, etc. This is the indirect method. From the effect you go to the cause and ultimately reach the causeless Cause or Para Brahman, the Truth which is transcendental. Our Western scientists will grope in utter darkness if their purpose is only to invent some things for our physical convenience. The goal of science is to discover the one ultimate Truth which is the substratum of the atoms, molecules, electrons, energy, motion and all physical and mental phenomena and laws of Nature by means of enquiry, observation, analysis, investigation and study of these laws in operation. A Vedant is the real scientist. His mode of approach to the Truth is different. The scientist who in the past proclaimed that there was nothing beyond this world now proclaims: "*The more I know of phenomena, the more I am puzzled. Intellect is finite and cold. Behind these changing phenomena there is the unchanging noumenon. Behind the dynamic rotating electrons, there is the static, motionless something, or something beyond the intellect and the world*".⁸

Digitil Accessibility

The modern approach of digitization has encouraged the film industries, televisions, electronic media,

electronic governance, electronic tourism and business etc. The age old concept of public gathering in drama, nautanki, singing in public, etc. culture has vanished and replaced by electronic means, and gradually the traditional classroom teaching as well library teaching is being replaced by the digital class boards, video conferencing, chatting, electronic library etc. The community libraries, University/School libraries, etc. have increased the use of E-resources rather than physical procurement of books, journals, papers etc. The users of digital libraries and other resources have shown tremendous response inspite of its *pros and cons*. The users have shown their better results in competitive exams as well as their routine spheres of life. However, the spiritual literatures and heritages seem to be less available in virtual domain which is the prime focus to strengthen the foundation of the future generations. If the spirituality is missing in the personality of the youngsters certainly the concept of "*Vasudev Kutumbhakam*" and "*Self-realisation*" is not possible. The Traditional knowledge and cultural expressions needs to be protected for sustainability of spirituality and youngster's foundation.

Limitations and Exceptions

In order to maintain an appropriate balance between the interests of right holders and users of protected works, the copyright laws allow certain limitations on their economic rights, that is, the cases in which protected works may be used without the authorization of the right holder and with or without payment of compensation.

Limitations and exceptions to copyright and related rights vary from country to country due to particular social, economic and historical conditions. International treaties acknowledge this diversity by providing general conditions for the application of exceptions and limitations and leaving to national legislators to decide if a particular exception or limitation is to be applied and, if it is the case, to determine its exact scope. Due to the development of new technologies and the ever-increasing worldwide use of the Internet, it has been considered that the above balance between various stakeholders' interests needs to be recalibrated. Limitations and exceptions is an issue considered in the agenda of the WIPO Standing Committee for Copyright and Related Rights (SCCR) and, recently, its debate has been focused mainly on three groups of beneficiaries or activities in relation to exceptions and limitations – on educational activities, on libraries and archives and on disabled persons, particularly visually impaired persons.

Traditional Knowledge Digital Library

However, the electronic library on spiritual heritage will also be protected in tune with Traditional Knowledge Digital Library. The Traditional Knowledge Digital Library (TKDL) is a pioneer initiative of India to prevent misappropriation of country's traditional medicinal knowledge at International Patent Offices. TKDL integrates technology with diverse disciplines and languages such as, Ayurveda, Unani, Siddha, Yoga, Sanskrit, Arabic, Urdu, Persian, Tamil, English, Japanese, Spanish, French, German, modern science & modern medicine.¹⁰ Although, TKDL protects parts of spiritual heritage of India into an electronic database, it has been designed specifically to curb misappropriation by Patent Offices around the globe. It protects only that part of knowledge which is susceptible to patenting, and economically desirable to India. Mostly the ancient medicinal systems of India have been documented in TKDL, leaving out the less popular parts of its rich ancient wisdom. Therefore, TKDL is a very restricted database and the wide variety of spiritual heritage of India remains largely undocumented or unprotected against Intellectual Property claims. This will also promote the authors interest and their copyrights on spiritual writings and other works.

Conclusion

- (i) The limitation is of digitized spiritual values are for social transformation and dissemination across the globe and Copyright is vested to none but to the people keeping in view of spreading and promotion of spirituality and shaping into "Vasudev Kutumbhakam".
- (ii) The increasing population of netizens in the virtual world and due to busy lifestyle, there are practical difficulties for the users to access the traditional libraries and trace the spiritual literature as well as realize the belongingness. *Firstly*, due to their costly maintenance and storage of real and traditional library literatures, the users opt for the electronically available data base or open access of the literatures. The Government must take initiative in storing and preserving the heritage, digitize the spiritual literatures, arts and create the museum in

each State, Districts, Block, Tehsil and village level.

- (iii) The users must be free to access and use, whenever they desire for the sake of reading, learning, sharing with peer groups and inculcating in themselves. Carrying and preserving the original holy books and literature has become costly affair for the Government, Universities and even for any institutions. Still the real/traditional libraries must subsist parallel to the E-libraries so long as E-libraries do not completely become self-sufficient and security proof.
- (iv) The Government must develop the electronic technology and its robust infrastructure full proof so that the users and other stake holders who like to use their electronic gadgets must feel accessible to the literature either in virtual world or printed form of books, novels, etc.

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