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**Universal Access to Knowledge**

The Great Challenge of Our Times

September 23, 2020

Dr. Sachchidanand Joshi, Member Secretary  
Indira Gandhi National Centre for the Arts  
1 C. V. Mess, Janpath  
New Delhi – 110 001, INDIA

Via electronic mail to [ms@ignca.nic.in](mailto:ms@ignca.nic.in)

Dear Shri Dr. Joshi:

I am responding to the email from Shri Professor Pratapanand Jha and Shri Irfan Zuberi of September 20, 2020 and prior regarding audio and video of which identical copies are posted on both the IGNCA's National Cultural Audiovisual Archive (NCAA) and the Internet Archive. I am responsible for creating and maintaining the Public Library of India collection, and I posted the works in question as part of my work at Public Resource, a nonprofit organization based in the United States.

Please do accept my apologies for not coming to see you in person to discuss this. I have enjoyed my many visits to the Indira Gandhi National Centre for the Arts over the past years, including meetings with you, Professor Gaur (and that memorable tour of the library and archives he gave to me), and of course the wonderful work Dr. Jha and Mr. Zuberi have done with NCAA. I believe we all share a common purpose and dedication to making possible broader access to knowledge in general and to the cultural and historical resources of India in particular.

The Public Library of India collections we have created is one of the largest such public facilities on the Internet. It is strictly noncommercial. The works you have cited are part of a [broader whole](#), which includes over 5 lakh books and a large number of audio and video items. Our effort also include over 5 lakh documents of [Official Gazettes](#) from the central government and 19 states and territories, with optical character recognition done on all the Indian languages, making this important series of official records of government searchable.

The bulk of the books were initially pulled from the [Digital Library of India](#) effort which was on a government server that is no longer in operation. Without our efforts, this invaluable collection of materials in over 100 languages would be unavailable right now. We have also added collections of books from the [West Bengal Public Library](#), the [Tamil Virtual Academy](#), and many other sources on the Internet.

The Public Library of India effort has scanned many books, including invaluable historical materials such as the books of [JC Bose](#), and works in the [Konkani](#), [Kannada](#), [Malayalam](#). Our collections include 66,158 works in [Sanskrit](#), 57,272 works in [Hindi](#), 27,619 works in [Telugu](#), 19,552 works in [Urdu](#), and many, many other languages. We have helped make available archives of the [National Centre for Biological Sciences](#), [Indian Academy of Science](#), and many other organizations. Public Resource has formal memoranda of understanding and cooperation with organizations throughout India, and we have posted high-quality scans of thousands of important historical works dating back hundreds of years.

Our collections are readily available to be repurposed by others and the materials have been used by organizations throughout India to build their on-line collections and libraries, such as the [BJP e-Library](#). Items from our collections of public safety codes are posted on numerous government web sites. I invite you to look at all [35 collections of materials](#) we curate, and I think you will be especially impressed with collections of [Indian History](#), [Indian Science](#), and our [Hind Swaraj](#) collection with extensive and rare materials from the fight for independence.

Over 10 crore views a year are now coming into these collections from people throughout India and the rest of the world. Most of the views are from India, and students make up many of those views. Scholars are also heavy users of these collections because the materials are simply unavailable in many libraries, and in these sad times of the pandemic, many libraries are of course closed. As you can see in each of the audio and video works that have been called in question, there is a note on each item indicating the purpose of making these materials available. That note reads:

*This item is part of a library of books, audio, video, and other materials from and about India is curated and maintained by Public Resource. The purpose of this library is to assist the students and the lifelong learners of India in their pursuit of an education so that they may better their status and their opportunities and to secure for themselves and for others justice, social, economic and political.*

*This library has been posted for non-commercial purposes and facilitates fair dealing usage of academic and research materials for private use including research, for criticism and review of the work or of other works and reproduction by teachers and students in the course of instruction. Many of these materials are either unavailable or inaccessible in libraries in India, especially in some of the poorer states and this collection seeks to fill a major gap that exists in access to knowledge.*

Copyright is of course an important consideration, but it also important to consider that the purpose of copyright is to further the dissemination of knowledge by providing incentives. However, the dissemination of knowledge is the primary goal. There are important exceptions built into the Copyright Act. Even if a work is in copyright, those uses are permitted.

Those uses include the instruction of a teacher to a student, an exception notably reaffirmed in the Delhi University Photocopy case, where Justice Endlaw of the Hon'ble High Court of Delhi [wrote](#) "Copyright, specially in literary works, is thus not an inevitable, divine, or natural right that confers on authors the absolute ownership of their creations. It is designed rather to stimulate activity and progress in the arts for the intellectual enrichment of the public." Other uses beyond the bounds of copyright include research purposes, and many other applications of the principles of fair dealing.

It is also important to remember that copyright is grounded within the broader and deeper grounds of the Constitution. Copyright is a means perhaps, but the goals is deeper as it is stated so eloquently in the preamble, which guarantees "equality of status and opportunity," for there can be no equality of opportunity if knowledge is kept behind high walls and given out grudgingly. Access to knowledge is a necessary precursor to enjoy the Fundamental Rights of the Constitution to the fullest. There can be no right to freedom of education and culture, there can be no freedom of religion, there can be no right of equality if there is not equal and full access to knowledge.

It is clear that for the audio and video materials in question, some might want one institution to be the one and only source and copy of data, to be the sole gatekeeper. We are not surprised, this has happened in the past. For example, when we posted the copy of the Digital Library of India, which has since disappeared from the government server, there were urgent demands that we immediately delete all that data. We respectfully declined those requests.

As you know, I had initially posted these items 2 years ago. After staff intervened, we had agreed to try and find a path forward to making these materials more broadly available and in return I had temporarily removed the items from view. After many meetings, no progress had been made on this goal.

On March 12 of this year, I came home after having cut a 30-day visit to India short after just 3 days. The pandemic has changed many things, including my ability to come pay my respects in person to discuss this issue with you.

In this time of pandemic, it seemed to me particularly important to make any and all materials available as broadly as possible, because students, professors, government officials, and every in fact are at home. Libraries are closed. Even as we reopen our societies, our societies have changed.

As mentioned above, most of the people that use these materials are from India. Our use is strictly non-commercial. These materials are already available for free on your site. They become part of a broader whole in our collections, people can use them in different ways. Nobody is harmed, and the people are able to access knowledge invaluable to their practice of the arts, to their ability to get an education, to understand their history, to be a part of their democracy.

As always, I would be eager to work with you to assist the Indira Gandhi Centre for the Arts just as we have worked with numerous other organizations across India. In many cases, our partners have taken over curation of the collections on the Internet Archive and it has become a valuable outlet to reach audiences in India and throughout the world. Please let me know if we can resume our discussions as it would be an honor to work with you, just as it was an honor 30 years ago when our own Kennedy Center for the Performing Arts sought our assistance to put themselves online. The cultural resources IGNCA makes available are tremendous, your staff operates at the highest levels of scholarly and artistic knowledge, and your work is so important not only in India but throughout the world.

I understand we may not have your blessing, but we ask your forgiveness. I am more than happy, as ever, to discuss this with you and staff. But, for the time being, I respectfully decline to remove these materials from public view.

With best regards and wishing you and your colleagues and all your families good health,

DocuSigned by:  
  
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Carl Malamud, President  
Public Resource

cc:

Prof (Dr.) Ramesh C. Gaur, Dean  
Shri Pratapanand Jha, Professor and Director  
Shri Irfan Zuberi, Project Manager, National Cultural Audiovisual Archives  
Shri Ram Bahadur Rai, President, Board of Trustees

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