

23 July 2026

To,

**The Secretary
Department for Promotion of Industry and Internal Trade (DPIIT)**

Subject: Concerns regarding the process for amending the Copyright Act, 1957, and the need for a transparent and participatory consultation with the higher education sector

Respected Madam/Sir,

We write as concerned academicians. We understand that the Department for Promotion of Industry and Internal Trade is at an advanced stage of finalising an Amendment to the Copyright Act, 1957. While we appreciate the need for an amendment to the Act keeping in mind all of the technological developments that have taken place since the last amendment in 2012, we would also like to place on record our concerns about the process that has been followed and the limited engagement with crucial stakeholders such as students and academics.

Copyright law is, at its core, a mechanism of balance between the incentive that copyright confers on authors and rights-holders, and the public's interest in access to knowledge, learning, and culture. An amendment process is, therefore, an opportunity to engage with as wide a range of stakeholders as possible to ensure that we strike a balance between public and private interest. This concern is all the more important given the developmental goals the country has set for itself. The pursuit of Viksit Bharat identifies education as a primary mechanism for the attainment of development. Accordingly, the National Education Policy, 2020 was formulated, keeping in mind the needs of a rapidly developing country and the recognition that technology is crucial to the attainment of our educational goals. For a very large number of today's students, the primary point of access to knowledge is no longer the physical book on a library shelf but the electronic resource, the e-book, online databases, and the digital classroom. Increasingly, there is also a lot of use of digital

audiovisual content in the process of pedagogy, especially through the adoption of MOOCs as a platform for education, including the government's own SWAYAM and DIKSHA platforms.

Any copyright reform will necessarily determine the legal conditions under which this digital access to education can occur. The stakes of the amendment for the higher education and student community are consequently, extremely critical. It is precisely because the amendment has such a direct impact on the public interest in education that any deliberative process requires full and genuine participation from those stakeholders, who are most likely to be affected, namely students, teachers, researchers, and academic institutions.

It is a well recognised principle that the rule of law rests not only on the substantive content of a law but equally on the legitimacy of the process by which that content is arrived at. Transparency and participation are a safeguard against the process of law making being subsumed to the interest of industry alone. Democratic participation in the process of law making does not just ensure equitable representation, but also improve the quality of law.

The Copyright Act amendment of 2012 is instructive on this point. One of the most durable achievements of the 2012 amendment were exceptions permitting reproduction and adaptation of copyrighted works for the benefit of persons with disabilities, and the non-assignable right of lyricists, composers, and authors of underlying literary and musical works to a share of the royalties earned from their films' commercial exploitation. The participation of disability rights organisations resulted in a provision that is now regarded as one of the more progressive disability-access exceptions in copyright law across the world, and India was well positioned for the commitments we would undertake under the Marrakesh Treaty. Similarly, the participation of writers associations produced statutory royalty rights that remains a benchmark internationally.

We would therefore respectfully urge the DPIIT for:

(a) public disclosure of the draft Bill, sufficiently in advance of introduction to Parliament to allow for informed comments;

(b) a structured open consultation process that specifically invites participation from universities, faculty associations, student bodies, and library and archival professionals, and not only from industry associations and rights-holder bodies; and

(c) adequate time for such stakeholders to respond, commensurate with the scope and complexity of the changes proposed.

We would be very happy to separately submit our specific suggestions on the substantive educational and library/archival exceptions that we believe the amendment should address. The purpose of the present letter is confined to registering our concern with the process by which the amendment is being finalised, and to urging that this process be made as transparent, inclusive, and participatory as the scale and public significance of the exercise demands.

We would be glad to provide any further material or to discuss these concerns in person or with the Department's officials at a convenient time.

Thank you for your attention to this matter.

Yours sincerely,

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