



COPYRIGHT LAWS IN INDIA: A DISCOURSE ON THE APPLICABILITY TO RELIGIOUS TEXTS

The advent of the digital era has given rise to a nuanced interplay between copyright law and religious texts, bringing forth a complex legal landscape. This discourse aims to meticulously dissect this intricate subject within the framework of Indian legislation, placing particular emphasis on the pivotal case of ***The Bhaktivedanta Book Trust, India vs. Bhagavatam*** reported in CS(COMM) 657/2023.

The Indian Copyright Act of 1957 stands as a sentinel, designed to safeguard "original work," encapsulating creative expressions independently conceived and affixed in a tangible medium. This legislation bestows exclusive rights upon creators and authors, comprising the right to utilize, reproduce, disseminate, perform, and exhibit their work. Notably, works of a transformative nature, creatively modifying, reinterpreting or building upon existing material to craft something distinct, are also afforded protection as laid down in the recent Judgement .

Religious scriptures, exemplified by the Old Testament and New Testament of the Bible, predominantly find residence in the public domain, a realm untouched by the purview of copyright law. However, the modern milieu introduces complexities, especially in the context of contemporary translations of religious texts, such as the New International Version (NIV) of the Bible, which may attract copyright protection due to the innovative endeavors of translators. Moreover, transformative works, such as television adaptations of epics like the Ramayana and Mahabharata, find themselves nestled under the protective umbrella of copyright.

An in-depth dwelling on this recent judgement of *The Bhaktivedanta Book Trust, India vs. Bhagavatam*, the Bhaktivedanta Book Trust (BBT), an institution founded by His Divine Grace A.C. Bhaktivedanta Swami Prabhupada, a distinguished scholar and author of religious books and scriptures, asserted copyright ownership over its founder's works.

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The trust contended that various online platforms, including websites, mobile applications, and Instagram handles, were engaged in the unauthorized reproduction of a substantial number of its copyrighted works, constituting infringement. The Delhi High Court, in its nuanced judgment, underscored the notion that scriptures per se, though cannot be encapsulated within the confines of copyright. However, the court expounded that copyright subsists in adaptations of scriptures, encompassing explanations, summaries, meanings, exegesis/interpretations or any audio-visual and dramatic works, owing to their transformative nature. In the specific case at hand, the court discerned that the defendants were not merely replicating scriptures but were in fact, involved in large-scale piracy, reproducing the summary, introduction, preface, cover, etc., of the Plaintiff's copyrighted works.

The *Bhaktivedanta Book Trust* case serves as a beacon, illuminating the importance of understanding the nuanced scope of copyright protection concerning religious texts and it is imperative to protect original creative works developed with such texts. This landmark decision underscores the legal ramifications of reproducing and disseminating copyrighted religious works without due authorization. While the court's decision is undeniably a significant stride towards upholding the rights of authors and publishers, it concurrently raises pertinent questions regarding the accessibility and dissemination of religious texts in the digital era.

In conclusion, as society navigates the intricate web of copyright law and its interplay with religious texts, it becomes of paramount importance to strike a judicious balance that not only upholds the sanctity of intellectual property rights but also ensures the unhampered accessibility of profound religious teachings for the benefit of society at large.