

---

# UNIT 11 ARCHIVING AND DOCUMENTATION

---

## Structure

- 11.0 Objectives
- 11.1 Introduction
  - 11.1.1 Definition of Archives
- 11.2 Characteristic of Archives
- 11.3 Role of Archives
- 11.4 Functions of Archives
  - 11.4.1 Acquisition Policy
  - 11.4.2 Appraisal
  - 11.4.3 Documentation
  - 11.4.4 Preservation
  - 11.4.5 Using archives
- 11.5 Archival Ethics
- 11.6 Organization of Archives
- 11.7 Sound Archives
  - 11.7.1 Division of Work in the Sound Archives
- 11.8 Copyrights: Legal and Ethical Issues
- 11.9 Some of the Archives in India: Case Studies
  - 11.9.1 The National Archives of India
  - 11.9.2 National Film Archive of India (NFAI)
  - 11.9.3 Archives of Research Centre for Ethnomusicology (ARCE)
- 11.10 Legal and Ethical Issues
- 11.11 Intellectual Property Rights (IPR)
  - 11.11.1 What is Copyright Law?
  - 11.11.2 Laws for Protection of Folklore/Traditional Cultural Expression in India
  - 11.11.3 Commercial Exploration of Folklore/Traditional Cultural Expressions in India
- 11.12 Let Us Sum Up
- 11.13 References and Further Readings
- 11.14 Check Your Progress: Possible Questions

---

## 11.0 OBJECTIVES

---

After having read this unit you will be able to

- discuss about archiving;
- explain the importance of archives and their role in our society;
- understand the legal and ethical issues related to documentation and archiving; and
- list some of the important archives in India.

---

## 11.1 INTRODUCTION

---

Archives house non-current records/documents (all formats such as paper, sound recordings etc.) of an institution/organization/research scholar or even individual for preservation. The material preserved in the archives have a continuing value for

future references. The materials collected for the archives are unique in nature. Archives are an outcome of a process and they are a body of functionally and organizationally related material that has grown originally out of some activity. Archives are maintained by the national governments, universities, cultural institutions, museums, hospitals etc., wherever it is important to preserve non-current records indefinitely. These records have greatest historical and great potential use to their creators and other researchers in documenting and understanding the past, dealing with the present, and preparing for the future.

### **Conservation and preservation of Cultural properties**

For any nations of the world, it is very much essential to conserve cultural properties for a good understanding of the history and culture. Because the cultural properties are priceless national assets and form the foundation of future progress. Therefore, every individual must conserve and preserve such properties and pass them on to future generations. The material for conservation of cultural properties are all types of materials, paper, paintings, manuscripts, textiles, metal objects, wooden objects etc. Cultural properties can be broadly divided in two groups, tangible and intangible.

A brief note of Tangible and Intangible cultural properties:

- **Tangible:** a property or thing that is perceptible by touch, such as
  - 1) Buildings, picture, sculpture, applied art, calligraphic works, and other items of great historical or artistic value to our nation.
  - 2) Archeological specimens and other historical materials of great scientific or academic value.
- **Intangible:** Property which does not have any physical presence such as dramatic arts, music, folk performing art, textiles, costumes, applied arts technology and other cultural assets of an intangible nature which are of great historical or artistic value.

There are varied tasks involved in conservation of all objects, for which a good understanding of perspectives and techniques of preservation is essential for the conservator/curator/archivist/librarian and the concerned staff. Some of the common conservation procedures of such properties includes removing dirt from the objects, which can cause damage, in case of acid paper, removing the chemical products or agent of decay etc, preservation of environment temperature, humidity, light control etc. Conservation of all kind of material/art objects/sound recording are done under three main headings: (1) Conservation of Museum object (2) Conservation of Library materials (3) Conservation of Archival materials. Although they have a separate identity, basically they are one institution divided under three divisions. The museum, library and archives play an important role in our society to provide comprehensive and need based information to their clientele with special reference to information management, information retrieval, networking, relating one another with their collection.

### **Conservation of Museum Objects**

Museums are permanent institutions in the service of society. They acquire, conserve, research, communicate and exhibit the tangible and intangible heritage of humanity and hold them for the purpose of education, study, and enjoyment, as defined by the International Council of Museums. According to the UK Museums Association,

“ museums enable people to explore collections for inspiration, learning and enjoyment. They are institutions that collect, safeguard and make accessible artifacts and specimens, which they hold in trust for society.”

Museums collect and care for objects of scientific, artistic, or historical importance and make them available for public viewing through exhibits that may be permanent or temporary. Museums play an important role in our society, both socially and economically. The attraction for tourism through displaying art objects for exhibition, provide a marketplace for creative arts through their retail activities. Some of the specialised museums allow physical contact with the associated artifacts and also encourages approach. Apart from these, offering academic programmes and activities for a range of audiences, lectures or tutorials by the museum faculty or field experts, films, musical or dance performances, and technology demonstrations are also taken up by the museums.

Conservation in museums includes all kind of processes of looking after a place where art /material objects/recordings of cultural significance are retained. It includes continuous and protective care of the objects, setting of a place, maintenance such as preservation, restoration, reconstruction etc. A well organized library is an integral part of a museum, the purpose of having a library in the museum is for collection of books, periodical, guide books and catalogues. Folklore and ethnographic museums collect sound recordings of oral traditions such as folk music, tribal music, folk dance, folk theatre, oral history etc., in their archives.

### 11.1.1 Definition of Archives

There is no single definition of archives; however, here are few examples of archival definitions:

According to the 1979 French definition of archives, records become archival as soon as they are created or received. American federal records become archival as soon as they are formally offered by a federal agency and the National Archives signs a document accepting legal responsibilities for them. Although archives are records, but not all records are archives. The records are selected for an archive because they have permanent value, either as evidence of transactions, or because of the information they contain about people, places, and things. The decision of selecting records for archives is taken by the archivists.

The term “archive” has been derived from the Greek word “ archeion”. Etymologically, “archeion” has its origin in the word “arch” which refers to the magisterial residence, then the public office where Government records are kept. Historical manuscripts, isolated letters of ancient rulers, copper plates, stone inscriptions, besides a host of other artifacts, are popularly known as archives. Archives are a greater or a lesser faction of records of an organization, institution or individual which are preserved for their enduring value whether they are current or non-current.

Engenio Casanova, an Italian archivist defines archives as, “the orderly accumulation of documents which were created in the course of its activity by an institution or an individual and which are preserved for the accomplishment of its political, legal or cultural purposes by such as institution or individual”. Dr. P. Basu, an Indian archivist, said “archives are records of enduring value no longer required by the creating agency for frequent use”. (Archival 5-6).

**Archivist:** A person who is responsible for managing the records of archives is known as an archivist. They maintain the archives of the parent entity, be it a government organization, institution, primarily for their administrative usefulness to their creator or successors. In some archives, the archivists serve as records managers, assisting the creators of records in archiving budget and efficiency in the

creation, maintenance, use, and disposition of records, there fore reducing their quantity and increasing their quality of records. Archivists have an important role by preserving and making records available in the society, especially for those who are involve in various research oriented activities, disseminating information and new idea.

---

## **11.2 CHARACTERISTICS OF ARCHIVES**

---

- 1) The archives of a particular institution or organization reflect the policies, functions and transactions of that institution alone and nothing else.
- 2) The distinctive feature of the archives is their official character, being the products or by-products of transaction of certain organization or institution having legal efforts. From this the second principle of archival administration that the archives must remain in the unbroken custody of the creator or his legitimate successor for their validity in the court of law was derived.
- 3) The archive is their uniqueness, each record was created in single copy for a specific purpose.
- 4) The authenticity of archives, refers to the underlying fact that the archives are not collected, in the usual sense of the term, by the creating institution or organization; rather they grow naturally out of their activities and operation.

The difference between archives and other record keeping organization/institution is that the latter does not have the above mentioned characteristics. Books in the library or items in a historical manuscript repository (storage place) are collected and arranged in some specific system of order and does not necessarily require to be a part of any organization/institution. Where as, it is essential for archives to create relationship with the creating institution/organization, for the sense of creating archives.

Archival records are preserved for use either by the creating organization/institution/ individuals or by research scholars. The proper utilization of records involves several factors, such as concentration of records in one place, or the establishment of a Records Office, proper arrangement of records, and preparation of their reference media. Opinion as to how records are to be concentrated at one place, and how they should be arranged and how they should be made available for use, both by the creating institute as well as by research scholars, needs to be understood. However these rules differ from time to time, country to country, government to government.

---

## **11.3 ROLE OF ARCHIVES**

---

- to safeguard the national, regional, traditional culture of the society;
- to spread awareness among the people to respect and value their culture and also changes happening in the society. For example an Ethnomusicology archive provides some of the rare and oldest recordings of folk/popular/classical forms, which will be beneficial for any current research scholar or individual to observe the similarity/changes of the performance in present contest;
- making people to think about their past and its related history; and
- preserving important recorded documents for future reference.

---

## 11.4 FUNCTIONS OF ARCHIVES

---

For an efficient evolution and to ensure that the records are understood within their most appropriate context there are certain processes conducted for archival materials.

### 11.4.1 Acquisition Policy

Archives collect non-current records of an organization/institution/research scholar or individual etc. There are the types of material collected in the archives. These vary from Governments records, folklore materials, history of people, manuscripts etc., as per the archival requirement. Acquisition is pivotal. Following are the certain acquisition policy defining the types of records that archives seek to add to their holdings.

#### Acquisition Policy:

- a) Policies of institutional archives usually attempt to ensure adequate and complete documentation of the institution, its functions, and its activities. Therefore, the policy identifies priority subjects for acquisition and the types of materials most likely to provide important information about the institution.
- b) Specify the administrative units that are most likely to create essential documentation.
- c) Defining categories of personal and family papers and other non-institutional collections.
- d) Defining acquisitions in relationship to the holdings of other archival material. Many similar institutions are concerned with documentation of similar subjects and serve the needs of the same researchers. Because duplicate documentation is of little value to these scholars and absorbs valuable archival resources.
- e) Institution can cooperatively choose areas of specialization or may agree that records or papers should be placed in institutions already holding relevant related documentation.

### 11.4.2 Appraisal

The decision by an archive or organization is to take a collection to preserve and process its own archival records. It involves a significant commitment of time, money, and space, because, no one can afford to keep everything and anything. That is why, the incoming material considered must be appraised to determine, firstly, whether the collection as a whole is worth keeping, and second, which items within it are permanently valuable. The preference of decision for preserving collections depends upon the current historical and cultural values, and the intellectual and conceptual frameworks of those conducting the appraisal.

### 11.4.3 Documentation

An essential bridge between the collectors and the archives is documentation. It is the written document which accompanies with the acquired materials. For a systematic documentation every piece of note has great value as the context is not self evident. The documentation process includes the identification of items, storage location, retrieval, presentation and circulation for the information of users. For example, in a sound archive, the archivists have very little knowledge of being responsible for the preservation of recordings for the future user without knowing who they will be and what they may need to know. Therefore all details of the

recording including the answers to the basic questions “why, what, where, when, by whom, for whom” etc., should be documented as an archival holding.

#### 11.4.4 Preservation

Is one of the major process of archiving, the process of preservation takes place after a systematic, well-documented collection has been made with its contents. The goal of preservation is to assure that records in archival custody survive for an indefinite period of time, in some cases are legally necessary. This can be most easily achieved when the goals and basic principles of preservation are understood by all staffs involved with the records. It is a joint responsibility of a number of professional staffs for the preservation of archives, each of whom brings unique knowledge to bear on the complex problem of preserving archival records. Archival materials are diverse, they are composite objects, generally comprising of a variety of papers, inks (from carbon ink to laser printing), animal skins and its products, textiles, photographs and photographic material, audio-visual materials (wax cylinders, shellac and vinyl disc and optical materials: CD and DVD), magnetic materials (tape, hard discs and floppy discs) etc. These materials are composed of diverse materials, most often respond somewhat differently to changing environmental conditions, hence they may vary in their preservation processes. Some of the most serious dangers are insects, dust, heat and humidity, which can be prevented with climate control. The core aspects of preservation is the physical preservation of archival building, air-conditioning system, ventilating and de-humidifier. Preservation apparently makes an attempt to maintain materials in a sound physical and chemical condition.

#### 11.4.5 Using Archives

Archival collection exists to be used, but the understanding of its appropriate use varies from institutions to institution in line with their missions. Usually all archives provide information of their collection in published forms like newsletters, ephemera or brochures etc. Now-a-days in many countries information is provided through the Internet. Therefore archivists require to guide the user how to care and handle the archival records, specially for paper records which are prone to perishing if handled recklessly. Most often in sound archives, duplicate copies are made, so the original recordings remain safe and intact. Most of the sound archives provide copies of recording to the user for research activity on request.

---

### 11.5 ARCHIVAL ETHICS

---

When materials are acquired or donated to an archive, certain complicated ethical issues always accompany it. Archival ethics can be defined as:

- A system of moral principles;
- The rules of conduct recognized in respect to a particular group, culture, class of human action, etc.;
- Moral principles as of an individual or that branch of philosophy dealing with values relating to the right or wrong of certain actions and the goodness and bad deeds of the motives and ends of such actions

The governing principle in creating a code of ethics is that the rule must not be arbitrary. They must be necessary for, or an aid to, the purpose of the field in which they apply. For example, in a field recording archives the recorded materials of a particular community are rare, archives have to be aware of the rights of the

community to their music. While signing for any kind of commercial releases, archives should make communication with both the community and the depositor/collector, which can be consulted as to the uses of the recordings. Archival Ethics are tremendously intricate and they are best dealt with on a case-by-case basis.

---

## 11.6 ORGANIZATION OF ARCHIVES

---

Archives are divided into five main categories according to organization they cater:

- 1) Academic archives: archives created to preserve these archives are found in colleges, universities or any other academic institution.
- 2) Business archives: archives located in institutions, which are owned by a private business house. The corporate archives maintain historic documents and items related to the history of their companies. Example: World of Coca-Cola, Levi Strauss & Co, Motorola Heritage Services and Archives.
- 3) Government archives: these archives include those institutions run on a local and state level as well as those by the central government.
- 4) Non-profit archives: these archives include archives for non-profit businesses such as hospitals and the repositories with the foundations. Non-profit archives are usually set up with private funds from donors to preserve the papers and history of specific persons or place.
- 5) Special archives: these archives include tribal archives, folklore archives, archives within museums and archives that exist the papers of private individuals. ([www.wikipedia.org](http://www.wikipedia.org))

---

## 11.7 SOUND ARCHIVES

---

Sound archives are a place where audio visual recordings are stored for the purpose of both preservation and use. The sound archives play an important role in our society, they have been influencing our day to day life through audiovisual media with radio and television. The origin of sound archives is many but one of the oldest sound archives is broadcasting developed. Broadcasting archives came naturally into being because of the primary need for developing storehouse for recording that are used for radio programme. Many sound archives have been within research or institutions which took up sound recording as yet another source of information in their specialized fields. There are many archives of specialized fields like Ethnomusicology, Folklore, Oral history, Political or social history. (Rolf Schuurmsma. 1983. Approaches to the National Organization of Sound Archives in the book *Sound Archives: A Guide to their Establishment and Development*.pp.1-9)

There are different types of sound archives, which are often developed with departments of libraries or for audio/visual collection. There are some archives which developed inside institutions responsible for general collection, frequently of national and regional character, and they are not connected to any specialized field. For example: the Library of Congress in Washington DC and the Public Archives of British Columbia in Victoria have gradually built up extensive collections of sound recordings of spoken word and music alongside collections of books, documents and other media. Although types of sound archives are many in number but they are almost overlapping with each other in many ways. Following are the types of sound archives:

- National sound archives (the central collecting agency in a country, sometimes independent, sometimes part of a bigger institution)

- Gramophone record libraries (important above all for music, acoustic “libraries”)
- Archives of radio and television stations
- Sound departments in scientific research institutions
- Central locations for sound recording (audio-visual) media in schools and adult education

(IASA *Phonographic Bulletin*. No.58/June 1991. pp.11).

A brief description of sound archives is given below, from which they can be different from one to another by their tasks.

A gramophone record library will usually acquire all discs available on the market which come with its required collections and make them available to its users. It is important for a gramophone record library because they are used by a large clientele. A research institute for oral traditions, who document traditions like folk performing arts, rituals, narratives etc., act very differently. Most often research institutes of these kinds work two ways, (1) Taking up research projects for wanting to document any traditional art forms (for example: documentation of folk musical forms of Himachal Pradesh). (2) Another kind of research institute, where researcher or collector can deposit their valuable work and keep it for future references. But these institutes have fewer users with a more intensive service. Compare to Gramophone and Research institute, speed of service is an important factor for a broadcasting archive (radio and television).

There are considerable differences in the work of national sound archives, in most countries these archives serves national public needs. Apart from having music recordings, some of these archives have had their origin in broadcasting or recording archives. Most of such sound archives keep recordings of speech and other sound resource material in addition to music (*IASA Bulletin* no.58/June 1991).

### **11.7.1 Division of Work in the Sound Archives**

**Collection:** sound recordings are collected mainly in two ways (1) Passive: the published recordings of different varieties, which are available in the open market and copies of broadcast footage, are collected for archival preservation. For example: sound archives of a radio station and television centre. (2) Active: unpublished recording material of individual research or institutional projects, which needs special care to have very well thought-out procedure for active sound documentation.

**Documentation:** The exact nature of documentation required by an archive will depend on the type of material it collects. For example: (1) event documentation will try to record a particular relevant happening like a dance performance or popular concert, a poetry recitation. (2) Interview of oral history will collect material about ritual practices of some community or stories of life etc. Although both these methods complement each other, they demand different modes of documentation.

**Cataloguing:** The purpose of catalogue is to provide systematic information on the items contained in a collection in sufficient detail to enable for those who have to administer that collection and those who wish to use the items for their work as efficiently as possible. In sound archives, the role of cataloguing is very dependent upon the kind of sound recordings. For example: a research institute will usually undertake a more intensive survey and evolution of its sound documents, but, a record library will go by its formal information on the record cover. It is very



important to maintain efficiency in terms of both time and unnecessary usage of the recordings in the archive. Generally, cataloguing may be considered under three heading-accessioning, indexing and labeling.

**Preservation:** the aim of any sound archive is to preserve its collections into the indefinite future. Most of the preservation work requires technical expertise and expensive equipment, but certain principles require nothing more than common sense. Some of the important preservation principles are:

- 1) keep storage area dust and insect free
- 2) keep temperature and humidity stable
- 3) keep material away from light
- 4) handle only when necessary
- 5) store in a secure vault to protect from theft, loss, or accidental misuse
- 6) develop an emergency plan for natural disasters, such as flood or fire
- 7) keeping multiple copies of a document is an important preservation principle. Specially, make working copies of original recording and keep the original into permanent storage, and, use only the new copy or working copy.

---

## **11.8 COPYRIGHTS: LEGAL AND ETHICAL ISSUES**

---

Copyright regulation has an important role to play in the sound archives; these may vary from country to country. Whatever may be the deference of regulation, but, it is very important, that when copying sound documents one must clarify the copyright situation regarding any particular document to the source. Especially when a copy is being made for public performance, for example: radio or television broadcasting. In research archives, where usually collections are donated, the archives assume full legal ownership. But, there are some terms and conditions between donor and archives, related to:

- 1) the donor's access to and use of the collection;
- 2) restriction on access of other to certain materials in a collection, usually for a specific period of time, to protect privacy of the creator;
- 3) intellectual ownership of the records, including copyright, and which remains with the creator of the records unless those rights are explicitly given over to the archival repository. For example in a folklore collection, the intellectual rights might be held by the informant, the folklorist, or the organization that sponsored the research, depending on the agreement among them.

Copyright for commercially published sound recordings follows two separate rules:

- 1) the right of the author (s) of the recorded work like composer, lyricist, arranger, etc. These rights are often controlled by publishers and/or a copyright organization.
- 2) the right of the performer and the record company, usually controlled by the latter and/or a performing rights organization.

(Pekka Gronow.1983. *Commercial Recording in the Book Sound Archives: A Guide to their Establishment and Development*. pp.95-96).

**Access and dissemination:** the idea of all archival effort is to preserve valuable records and make them available for user. To make records available for user there are certain principles and policies which should be maintained by the sound archives (a) Preparing manual for access policies (b) Providing archival materials to scholar on standard term of access. (c) If necessary, charging fees from the user. (d) Providing security and physical protection of archival holding (e) Advertising archival holding and services (f) Restrictions on access and use.

**Technology:** the technology provision of a sound archive is a tool for getting the sound recording done for the archive and also dubbing for the incoming collection. The requirement of recording technology of a sound archive largely depends on technical and physical function of its day to day activities. The selection of recording equipment such as microphones, recorder, playback machine and recording media such as cassettes, disc, and reel that carry the sound etc., must be of a standard which will level the recording. Both the recording and reproduction equipment must be regularly and professionally maintained.

**Archival storage:** archives face constant problems crating and maintaining adequate storage condition. The equipments, the tape, digital media are quite fragile, and are specially affected by the dampness, light and heat. So, better the storage, longer the life of the medium. Special care should be taken for the storage area (1) storage rooms must be kept at constant temperature (20C+/-2) and humidity (50 -60%); (2) Apart from these, material must be protected from stray magnetic fields (electric circuits, lightening conductors etc.,(3) they must be dust free (4) tapes and discs must be in chemically inert covers, materials of which the recording media are made must be as stable as possible; (5) discs must be stored vertically or suspended in vertical files. Special care must be taken when original recording media are used and working copies should be made for each recording.

Most of the leading sound archives of the world follow a standard rule provided by the **International Association of Sound and Audio visual Archives (IASA)**. IASA was established in 1969 in Amsterdam to function as medium for international co-operation between archives that preserve recorded sound and audiovisual documents. IASA has over 400 hundred members from more than 60 countries representing a broad palette of audiovisual archives and personal interests which are distinguished by their focus on particular subjects and areas. Collections may exist in many sound and moving image formats and focus on topics such as: Music, History, Literature, Folklore and Ethnography, Theatre, Oral history, Bio-accoustics, Environment, Medicine, technology, Linguistics and dialects recordings, as well as for forensic purposes.

### **Activities**

IASA supports the exchanges of information and fosters international co-operation between audiovisual archives and others interested in the field, especially in the areas of

- Acquisition and exchange
- Documentation and metadata
- Resources discovery and access
- Copyright and ethics
- Preservation and conservation
- research, dissemination, and publication

- Digitization of media content

### Organization of IASA

Sections and Committees are responsible for developing the work of IASA. They deal with specific areas and provide excellent opportunities for information exchange and discussion.

Sections provide a platform for the exchange of information between specific types of archives and collection.

- The National Archives Section considers issues facing national archives, e.g. acquisition policies, legal deposit, the management of large collections.
- The Radio Archives Section is concerned with special issues relating to audiovisual archives whose holding includes collections of recording originally made to all archives and collections.

*(IASA Information Bulletin)*

---

## 11.9 SOME OF ARCHIVES IN INDIA: CASE STUDIES

---

Many educational institutions/government organizations/broadcasting centres have individual archives as a part of their administrative units. In the following section we are going to discuss about some of the archives of India in detail.

### 11.9.1 The National Archives of India

This is the repository of the non-current records of the Government of India. It is an attached office of the Department of Culture under Ministry of Tourism and Culture. It was set up in March 1891 in Calcutta (Kolkata) as the Imperial Record Department and subsequent to the transfer of the National Capital from Kolkata to New Delhi in 1911, it was shifted to its present building in 1926.

The main function of National Archives of India and State Government's Archives are to collect, preserve and organize government's records and other materials of historical importance. National Archive of India, being an apex archival institution of the country, is generally expected to provide technical know-how and requisite training to the professionals of state and other archival institutions. With the growth of concept of preservation of cultural heritage of the country as well as that of the various regions, the archives are expected to inculcate the awareness about preservation of cultural heritage. National Archive of India as well as various state archives mount exhibitions and organize lectures and celebrate archives week for the fulfillment of this objective. Though the main clientele of the archives are decision makers of the Central and State Government, but in recent years the main thrust is shifting towards the researchers, who come to the archives to consult the records created by various Ministries of the Government, in pursuit of their researches. The National Archive of India is running various training programmes ranging from short duration to one year Diploma course in Archives keeping with the objective to provide technical knowledge to the individuals and organizations interested in records management, preservation etc.

The National Archive of India has an established library, which provides secondary sources of information and requirements of creators of the records of the Government of India, Legislators, Judiciary, decision-makers, Gazetteers, Parliamentary debates, Census of India, India Office list, India Army list, Civil list, Travel Accounts,

Newspapers, Journals and Bulletins, Freedom Struggle Papers/Books, New Media and technological collections, Application of Computers, Electronic Books and Journals, Institutions and Organizations, Research Scholars of the Universities of India and abroad etc., as a useful adjunct to the government of India records available in the National Archive of India (*Archives in India*. 147-163)

### **11.9.2 National Film Archive of India (NFAI)**

NFAI was established in February 1964, as a media unit of the Ministry of Information and Broadcasting. Its objective is to acquire, preserve and restore the rich heritage of National Cinema, and the cream of international cinema. The archive has made significant progress in the preservation of films, audio and video material, documentation, research and dissemination of film culture in India. The archive functions as the main repository of Indian and foreign research workers for viewing film classics, relating to their research projects. The Archives Distribution Library caters to over 300 Film societies and Film Study groups in educational institutions in the country.

NFAI is a member of the International Federation of Film Archives, since May 1969, which enables it to receive expert advice and material on preservation techniques, documentation, bibliographies etc. and to exchange rare films with other such archives under the archival exchange programme. The Archive maintains a distribution library of 16 mm films (Indian and foreign) which are loaned to film societies and others for non-commercial study screenings. NFAI in collaboration with FTII conducts an Annual Film appreciation course. Film buffs, teachers, researchers, students and journalists join this course to learn about cinema and its vital cultural role. The headquarter of NFAI located in Pune, Maharashtra, has at present three regional offices at Bangalore, Kolkata, Thiruvananthapuram. The regular centres for screening movies to the audience are Bangalore, Kolkata, Mumbai, Hyderabad and Thiruvananthapuram.

### **11.9.3 Archives of Research Centre for Ethnomusicology (ARCE)**

The Archives and Research for Ethnomusicology (ARCE) was established in 1982 by the American Institute of Indian Studies (AIIS), at Gurgaon, Haryana, consortium of American Universities with a strong interest in South Asian Studies. The primary objective of this archive was to provide a centre in India where collections of Indian music and oral traditions could be centralized and made available, and to stimulate the study of ethnomusicology in India. The preservation of these recordings, cataloguing them and making them available to researchers form the basic of the day-to-day activities of the archive. Presently ARCE holds 186 collections, voluntarily deposited, which total nearly 20, 000 hours of recording (both audio and video). The field collections are supplemented by a large and comprehensive collection of commercially published recordings, phonodiscs, cassettes and compact discs also of the archives. These range from classical music to popular music including film music and other regional genres.

The ARCE Library houses books as well as journals on ethnomusicology, performing arts including dance and theatre, folklore, anthropology in India, linguistics, research methodology etc. The focus is on the study of ethnomusicology in India through theoretically important works on all cultures of the world are included. Newspaper, cuttings from major national and regional dailies also form a part of the valuable research material available at the archives.

ARCE also organizes seminars and workshops on ethnomusicology and archiving. At a smaller scale, discussion group meetings are organized to provide a forum for informal discussions on Ethnomusicology and related areas.

(2004.ARCE Newsletter 20)

---

## 11.10 LEGAL AND ETHICAL ISSUES

---

When a collection/material object is deposited or acquired in an archive/museum, there is certain level of writing; negotiation with terms and conditions of legal procedures among the archivist, performer and depositor/researcher; the procedure of such kind are known as legal issues.

In general ethical issues are concerned with moral principles. For example, in a field recording archives the recorded materials of a particular community are rare; archivists have to be aware of the rights of the community to their music. While signing for any kind of commercial releases, archivists should make communication with both the community and the depositor/collector, who can be consulted regarding the uses of the recordings.

Before going into details about Legal and ethical issues, we need to understand the subject matter which needs to be protected under this regulation: they are **Traditional cultural expression/Expression of Folklore**, which, often, are the products of day to day life and communities' identity and cultural heritage. These products are constantly recreated and reproduced by the traditional artists and practitioners. Following are the subject matters of traditional cultural expression:

- 1) verbal expressions, such as folktales, folk poetry, riddles, jokes, words, symbol and indication;
- 2) musical expressions, such as folk songs and instrumental music;
- 3) expression by action, such as folk dances, plays and artistic forms or rituals; whether or not reduced to a material form; and
- 4) tangible expression, such as:
  - production of art, in particular, drawings, painting, carvings, sculptures, pottery, terracotta, mosaic, woodwork, metal ware, jewelry, basket weaving, needlework, textiles, carpets, costumes,
  - crafts,
  - musical instruments,
  - architectural forms.

Expression of traditional culture/folklore may be either tangible or intangible, most often they are combination of the two. An example of mixed expression of folklore would be a (1) recorded piece of music (tangible expression) that while performing a song or dance is intangible (2) a woven piece of cloth (a tangible expression) that while expressing a traditional story (an intangible expression). (WIPO publication no. 913 E)

The World Intellectual Property Organization (WIPO) has an active programme of policy development, legislative assistance for preservation, protection and promotion of traditional cultural properties.

---

## 11.11 INTELLECTUAL PROPERTY RIGHTS (IPR)

---

Copyright legislation is part of wider body of law known as **Intellectual Property Rights**. This right protects the interests of creators by giving them property rights over their creations. (WIPO Publication no. 909 E).

WIPO is an international organization dedicated to promoting creativity and innovation by ensuring that the rights of creators and owners of intellectual property are protected worldwide, and that inventors and authors are recognized and rewarded for their ingenuity.

The convention of establishing the World Intellectual Property Organization (1967) gives the following list of subject matters protected by intellectual property rights:

- Literary, artistic and scientific works
- Performances of performing artists, phonograms, and broadcasts;
- Invention in all fields of human endeavor
- Scientific discoveries
- Industrial designs
- Trademarks, service marks, and commercial names and designations
- Protection against unfair competition
- All other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields

The importance of protecting intellectual property was first recognized in the Paris Convention for the protection of Industrial property in 1883 and the Berne Convention for the Protection of Literary and Artistic Works in 1886. Both treaties are administrated by the World Intellectual Property Organization (WIPO).

Generally all countries have two types of intellectual properties and they are:

- a) to give statutory expression to the moral and economic rights of creators in their creations and to the rights of the public in accessing those creations.
- b) to promote creativity, and the dissemination and application of its result, and to encourage fair trade, which would contribute to economic and social development.

### 11.11.1 What is Copyright Law?

Copyright Law protects the rights of intellectual creation with the respect to their original works. It is applicable to all types of literary and artistic works and will be protected as long as these are original expressions of an idea. Generally, copyright protection begins automatically from the date of creation, usually without being subjected to any law which was first recognized in the Paris C formalities. Copyright protection lasts for the life of the author plus fifty years after the death of the author. The following categories of work are protected under copy right law:

- 1) literary works
- 2) musical works, including all types of accompanying words
- 3) dramatic works, including all types of accompanying words
- 4) pantomimes and choreographic works

- 5) painting, graphic, and sculptural works
- 6) motion pictures and other audiovisual works
- 7) sound recordings

The Copyright Protection Law varies from country to country. Let us discuss the Act of Copyright Protection for Folklore/Traditional cultural expressions in India.

### 11.11.2 Laws for Protection of Folklore/Traditional Cultural Expression in India

In India the legislation that takes care of the rights relating to literary and artistic works, sound recordings, films and the right of performers and broadcasting organizations, is the Copyright Act, 1967. The act has been amended a number of times with most recent update in 1994 (WIPO publication ) The Indian Copyright Act does not contain any provision for the protection of **Folklore/ Expressions of Folklore**. There is no separate legislation along the lines of the model provisions, to serve the purpose of offering legal protection to expressions of folklore. There is no scope for the tangible elements of folklore under the Patent Act or Designs Act.

Under the amendment incorporated in the Copyright Act in 1994, a certain amount of protection is offered to the performers. As per the Act, a performer includes, “an actor, singer, musician, dancer, acrobat, juggler, conjurer, snake charmer, a person delivering a lecturer, or any other person who makes a performances.” (*The Intellectual Property* 288) Again, performer, in relation to a performer’s right, is defined as “any visual or acoustic presentation made live by one or more performers”. (*The Intellectual property* 284)

It is to be noted that a concept of a performer is not limited to “one who performs a literary or artistic work, as per provisions of the Rome Convention, rather the performer as per the Indian Act can be any one who makes a performance. To that extent, a person who performs folklore is a performer and his rights are protected under this Act.

The rights of performers given under the Act are limited and they offer only the “possibility of preventing’ certain acts undertaken without the consent of the performer. The following acts are taken from “Performer’s right” chapter VIII, section 38.

- 1) Where any performer appears or engages in any performances, he shall have a special right to be known as the “ performers right” in relation to such performance
- 2) The performer’s right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the performance is made.
- 3) During the continuance of a performer’s right in relation to any performance, any person, who, without the consent of the performer, does any of the following acts in respect of the performance or any substantial part thereof, namely:
  - a) makes a sound recording or visual recordings of the performance; or
  - b) reproduces a sound recording or visual recording of the performance or any substantial part thereof, namely
    - made without the performer’ consent
    - made for purposes different from those for which the performer gave his consent, or

- made for purposes different from those referred to in section 39
  - c) broadcasts the performance except where the broadcast is made from a sound recording or visual recording other than one made in accordance with section 39, or is a re-broadcast by the same broadcasting organization of an earlier broadcast which did not infringe the performer's right; or
  - d) Communicates the performance to the public otherwise than by broadcast, except where such communication to the public is made from a recording or a visual recording or a broadcast, shall, subject to the provision of Section 39, be deemed to have infringed the performer's right.
- 4) Once a performer has consented to the incorporation of his performance in cinematograph film, the provision of above mentioned sub-section (1), (2) and (3) shall have no further application to such performance.

Section 39 deals with certain fair use provisions in relation to performer's rights and the right of broadcasting organization, like private use, and the reporting of current events.

**Section 39 (1):** No broadcast reproduction right or performer's right shall be deemed to be infringed by-(a) the making of any sound recording or visual recording for the private use of the person making such recording, or solely for purposes of bona fide teaching or research; or (b) the use, consistent with fair dealing, of excerpts of a performance or of a broadcast in the reporting of current events or for bona fide review, teaching or research; or (c) such other acts, with any necessary adaptations and modifications, which do not constitute infringement of copyright

### 11.11.3 Commercial Exploration of Folklore/Traditional Cultural Expressions in India

As mentioned earlier, there is no provision to protect expressions of folklore/Traditional cultural expressions in the intellectual property laws or in any other legislation. As such, exploration of folklore expressions without taking the permission of the communities and compensating the communities concerned is not illegal. The general outlook of those business interests who extensively borrow from the collection of the folklore of the communities or tribal settlements is that of exploitation of material available in public domain.

In the music industry, there is a trend towards greater opportunity for popular music (film music, contemporary music etc) mixed with folk music. The mix and match products have become very popular throughout the country, including young music enthusiasts. Albums of popular folk songs orchestrated by folk music instruments like vibrant drums and other wind and string accompanist are flooding the market. The companies concerned collect the music through the local communities, or many times, the performer himself takes the responsibility of arranging such music from the villages or tribal belts. The musical forms reproduced or adapted from folklore or public religious contents or those related to village traditions like harvest and festivals.

A case study of plagiarism in music industry:

A popular Hindi film song "*Achha sila diya tune mere pyar ke/yaar ne hi loot liya ghar yaar ka*" in the movie *Bewafa Sanam*, is reportedly a *ghazal* of noted Pakistani poet and singer Ataulah Khan. This song was sung in the movie by an Indian singer and marketed by the proprietor of Super Cassettes Industries Ltd. Late Gulshan Kumar used it without giving credit to the original singer. Later Mr. Khan filed a



law suit against Gulshan Kumar for illegal use of his song in the movie. (Tribune: Chandigarh, dated 2 July 1995)

Like the music industry, Indian films also have more of folklore contents in the new productions. High tech films built on folktales or folk-themes and even mythological themes as a basis take special care to shoot in typical tribal or village settlements to add a realistic touch to the films, with a view to earning public applause and entertainment value. Other than these, many times, folk dances like *Garba ras* of Gujarat, *Bhangra* of Punjab, *Koli* dance of Maharashtra etc., and traditional rituals like weddings, Child birth etc. are depicted by making use of artists from the communities concerned.

In the handicraft and handloom industry, folk craft is extensively used. In most of the State Governments, there are corporations or cooperative for handloom products and handicrafts items. These organizations play a vital role in the management and development of the community's interests in these traditional forms or folklore from a purely cultural or economic angle. There has been little or no attempt to protect the intellectual property contents of these creations and the communities are subjected to exploitation in the hands of large textile and handicrafts companies, which, through modern techniques, copy and replicate the artistic creations to the detriment of the interests of the societies concerned. For example, printing traditional technique of tie and dye in to modern cotton, silk and polyester, use of tribal embroideries in modern fashion, without acknowledging the groups responsible for creation of art/crafts forms. Even in the realm of the folk tradition relating to sculpture, paintings and architecture, there is mass-scale exploitation resorted to by industrial houses.

Case study of legal protection of commercialization of handicraft in Australia:

The visual and art and crafts are an important source of income for indigenous artists and communities in Australia, and the level of copyright and other IP protection they enjoy is of utmost important to them, according to a report issued in 2002. It is estimated that the indigenous visual arts and crafts industry has a turnover of approximately US\$130 million in Australia, of which indigenous people receive approximately US\$30 million (*WIPO Publication* No.913-E).

---

## 11.12 LET US SUM UP

---

Importance of archives is not only to study the past but also for the impact of knowledge about past that have on the present and the future. The changing trends in the society, different levels of government's policies, organizations/institutions regulation etc., are some of the efficient utilization of archives. Everyone benefits from archives, they are the institutional memory system. Archives permit continuity and consistency and accountability to the people. They provide citizens with a sense of national identity and are of great value to them in establishing and protecting individual and property rights and privileges. They educate, entertain, and enrich our lives by providing appealing and tangible heritage of the society. In short, archives provide the basic for understanding of the past, they help orient us to our present, and they provide guidance for our progress in future.

### **Method of Preservation of Sound recording**

The aim of any sound archive is to preserve its collections into the indefinite future.

Most of the preservation work requires technical expertise and expensive equipment, but certain principles require nothing more than common sense. Some of the important preservation principles for everyone as are:

- 8) keep storage area dust and insect free
- 9) keep temperature and humidity stable
- 10) keep material away from light
- 11) handle only when necessary
- 12) store in a secure vault to protect from theft, loss, or accidental misuse
- 13) develop an emergency plan for natural disasters, such as flood or fire
- 14) keeping multiple copies of a document is an important preservation principle. Specially, make working copies of original recording and keep the original in permanent storage, and use only the new copy or working copy.

---

### **11.13 REFERENCES AND FURTHER READINGS**

---

- i) *IASA Training Manual*. IASA Bulletin No, 58/June 1991.
- ii) Agrawal, O.P. *Preservation of Art Objects and Library Materials*. New Delhi: National Book trust, India. 1993. Print.
- iii) Ghosh, Sailen. *Archives in India*. Calcutta: Firma K.L. Mukhopadhyay. 1963. Print.
- iv) Lance. David. (ed). *Sound Archives: A Guide to Their Establishment and Development*. International Association of Sound Archives. 1983. Print.
- v) Nancy, Mackay. *Curating Oral Histories: from Interview to Archives*. California: Left Coast Press Inc. 2007. Print.
- vi) Seeger, Anthony and Chaudhuri, Shubha (eds). *Archives for the Future: Global Perspectives on Audiovisual Archives in the 21 Century*. Calcutta: Archives and Research Centre for Ethnomusicology and Seagull Books. 2004.
- vii) Arai, Hisamitsu and Kamil, Idris. *The Intellectual Property-Conscious Nation: Mapping the Path from Developing to Developed*. WIPO Publication No. 988 (E). Print.
- viii) Singh, A.R. 2001. *Information Management in Archives and Libraries*. Delhi. Aakar Publication. Print.
- ix) *Intellectual Property and Traditional cultural expressions/Folklore* (Booklet No.1). WIPO Publication No. 913 (E) 13; SB. 18.13.1., 15<sup>th</sup> October, 2015. Print
- x) Kumar, PSG. *Archival Librarianship*, WIPO, 2014. Print.

---

### **11.14 CHECK YOUR PROGRESS: POSSIBLE QUESTIONS**

---

**Note:** Your answers should be in about 300 words.

- 1) What is an archive? Write a note on the archiving of both tangible and intangible cultural properties.

.....  
.....  
.....  
.....  
.....

2) Explain the role of archives.

.....  
.....  
.....  
.....  
.....  
.....  
.....

3) What is a sound archive? What are the classification in a sound archive?

.....  
.....  
.....  
.....  
.....

4) Write about IASA and its activities.

.....  
.....  
.....  
.....  
.....

5) Describe one of the important archives of India.

.....  
.....  
.....  
.....

(Major portions of this unit have been borrowed from Block 4, Unit 2 and 4, MFC -001 of PHDFCS, written by Dr. U. Borah and Prof. N. Sahu with approval of SOITS School Board, Item no: 13:SB 18.13.1, 5th october 2015).