
COPYRIGHT, FAIR USE, AND DIGITAL LENDING: A POLICY-ORIENTED STUDY OF LEGAL CHALLENGES IN INDIAN ACADEMIC LIBRARIES

Bharpur Singh Nahar

Librarian, Scd Govt. College Ludhiana

ABSTRACT:

The rapid digitization of higher education has transformed the role of academic libraries in India, positioning digital lending as a critical mechanism for ensuring access to knowledge in increasingly blended and remote learning environments. While these developments advance educational equity and research dissemination, they also intensify legal and policy challenges arising from the application of copyright law to digital practices. In the Indian context, where copyright legislation was largely framed for print-based dissemination, the expansion of digital library services raises unresolved questions regarding fair dealing, licensing, and institutional compliance. This review paper examines copyright, fair dealing, and digital lending in Indian academic libraries through a policy-oriented analytical lens. The primary objective is to synthesize legal provisions, policy documents, and authoritative scholarly literature to clarify how existing copyright frameworks govern digital access in higher education and to identify gaps that affect library practice. Methodologically, the study employs a systematic qualitative review of Indian statutes, government policies, judicial interpretations, regulatory guidelines, and institutional frameworks, supported by thematic analysis.

The paper critically analyzes the Indian copyright and policy framework, the conceptual foundations and practical application of fair dealing, prevailing digital lending models, licensing constraints, and institutional risk management strategies. The review identifies persistent legal ambiguity, contractual override of statutory exceptions, and uneven governance as key challenges shaping digital lending practices. At the same time, it highlights the central role of academic libraries in advancing access, equity, and inclusive education. The study concludes that clearer institutional governance, enhanced copyright literacy, and targeted statutory and policy reforms are essential to align copyright compliance

with India's educational objectives. The findings offer guidance for policymakers, library administrators, and educators, and underscore the need for future empirical and comparative research to support sustainable digital access in Indian higher education.

Keywords: copyright law, fair dealing, digital lending, academic libraries, higher education policy, India.

1. INTRODUCTION

Indian academic libraries have undergone a profound digital transformation over the past two decades, driven by the expansion of higher education, the growth of information and communication technologies, and state-led digital education initiatives. India hosts one of the largest higher education systems in the world, with more than 1,100 universities and over 43,000 colleges, serving in excess of 40 million students, creating unprecedented demand for scalable and remote access to scholarly resources (Aithal & Kumar, 2016; Tilak, 2018). Traditional print-based collection models have proven insufficient to meet these demands, prompting academic libraries to adopt digital services as a core component of academic infrastructure.

The proliferation of e-learning platforms, learning management systems, and digital course delivery—accelerated significantly after the COVID-19 pandemic—has further intensified reliance on electronic resources and digital lending practices. National initiatives such as the National Digital Library of India (NDLI), SWAYAM, e-PG Pathshala, and Shodhganga have expanded access to millions of digital documents, including textbooks, theses, lecture materials, and scholarly articles, fundamentally reshaping how students and faculty interact with library collections (Bansode & Kumbhar, 2017; Mukherjee, 2020). Academic libraries increasingly function as access facilitators rather than mere custodians of physical collections, mediating digital access across platforms, devices, and institutional boundaries.

Indian academic libraries operate under the Copyright Act, 1957, a statute enacted in a pre-digital era and originally designed to regulate print-based reproduction and distribution of works. While the Act has undergone amendments, most notably in 2012, its conceptual framework continues to reflect analog assumptions regarding copying, circulation, and access (Basu, 2018). Digital lending practices—such as scanning, electronic transmission, and online storage—implicate multiple exclusive rights simultaneously, including reproduction

and communication to the public, thereby complicating compliance for libraries (Aggarwal, 2020).

Section 52 of the Act provides exceptions for fair dealing and educational use, forming the principal legal basis for library copying and instructional dissemination. However, the statute does not explicitly address digital lending models, controlled digital access, or electronic course reserves, leaving libraries to interpret analog provisions in digital contexts (Sarkar, 2016). Judicial interpretations, while supportive of educational access in principle, have not produced comprehensive guidance on permissible digital practices, resulting in cautious and uneven implementation across institutions.

The expansion of licensed electronic resources has further complicated the legal landscape. Subscription agreements with publishers frequently impose contractual restrictions that override statutory exceptions, limiting copying, sharing, and interlibrary lending regardless of educational purpose (Crews, 2012; Hugenholtz & Okediji, 2008).

Against this backdrop, the present review seeks to systematically analyze copyright, fair dealing, and digital lending challenges as they apply specifically to Indian academic libraries through a policy-oriented lens. The primary objective is to synthesize statutory provisions, judicial interpretations, governmental guidelines, and institutional policies to clarify how copyright law shapes and constrains digital lending practices in higher education.

The scope of the review is limited to academic and higher education libraries in India, including central, state, and deemed universities. Commercial digital platforms, public libraries, and informal sharing networks fall outside the study's purview. Methodologically, the review prioritizes authoritative legal and policy documents over empirical usage studies, recognizing that institutional decision-making in libraries is primarily governed by normative frameworks rather than user behavior alone (IFLA, 2015).

2. SYSTEMATIC RESEARCH METHODOLOGY

This study adopts a systematic qualitative review methodology, guided by the PRISMA framework, to examine Indian legal, policy, and authoritative scholarly documents relevant to copyright, fair dealing, and digital lending in academic libraries. The review prioritizes normative and regulatory sources—including statutes, policy statements, judicial interpretations, and institutional guidelines—over empirical user-based studies, in order to capture the governance and compliance landscape shaping digital library practices in India.

The approach is interpretive and policy-oriented, focusing on doctrinal clarity, institutional implications, and regulatory coherence.

An initial corpus of documents was identified through structured searches of government repositories, legal databases, professional library association publications, and academic indexing services. Key sources included the Copyright Act, 1957 and its amendments, parliamentary and ministerial policy documents, UGC guidelines, statements from international library bodies, and peer-reviewed journals in law, library science, and education policy. Searches were conducted using combinations of keywords such as *copyright*, *fair dealing*, *academic libraries*, *digital access*, and *India*.

Following PRISMA guidelines, 62 records were initially identified. After removal of duplicates (n = 11) and preliminary title–abstract screening (n = 28 excluded for irrelevance or lack of policy authority), 23 full-text documents were assessed for eligibility. Four documents were excluded due to limited relevance to academic libraries or insufficient normative standing. The final review sample comprised 19 documents, all of which directly addressed copyright law, educational exceptions, digital access, or institutional policy in the Indian higher education context.

3. INDIAN COPYRIGHT LAW AND POLICY FRAMEWORK

3.1 Copyright Act, 1957 and educational use

The Indian Copyright Act, 1957 constitutes the foundational legal framework governing the creation, use, and dissemination of copyrighted works in India. Enacted in a predominantly print-based information environment, the Act confers exclusive rights upon copyright holders, including the rights of reproduction and communication to the public, which are directly implicated by digitization and online access practices in academic libraries (Basu, 2018). As Indian universities increasingly rely on scanning, electronic storage, and digital transmission of learning materials, these exclusive rights assume heightened relevance in determining the legality of digital lending services.

The right of reproduction under Section 14 extends to copying a work “in any material form,” a phrase that has been judicially interpreted to include digital formats and electronic storage (Aggarwal, 2020). Consequently, even temporary digital copies created during scanning or server storage fall within the scope of copyright control, thereby subjecting routine library digitization activities to potential infringement scrutiny. Similarly, the right of

communication to the public, which includes making a work available by electronic transmission, directly affects library practices such as uploading materials to learning management systems or institutional repositories for student access (Banerjee, 2014).

The 2012 amendment to the Copyright Act introduced significant changes aimed at strengthening access to education and knowledge. These amendments explicitly recognized digital and electronic means of communication and expanded certain educational exceptions, reflecting India's policy commitment to inclusive and technology-enabled education (Ministry of Human Resource Development, 2012). However, while the amendments modernized certain aspects of the Act, they did not create a comprehensive statutory framework for digital lending by libraries, leaving institutions to extrapolate from general provisions designed for analog uses.

3.2 Fair dealing under Indian law

Fair dealing under Indian copyright law functions as the primary legal mechanism through which academic libraries justify limited copying and dissemination of copyrighted works. Section 52 of the Copyright Act enumerates specific acts that do not constitute infringement, including fair dealing for the purposes of private or personal use, research, criticism, review, and reporting of current events, as well as certain educational uses (Sarkar, 2016). Unlike the open-ended fair use doctrine found in some jurisdictions, India follows a purpose-specific fair dealing model, which requires close alignment between the use and the enumerated statutory purposes.

In educational contexts, Section 52(1)(i) permits reproduction of works by a teacher or a pupil in the course of instruction, a provision that has assumed renewed significance in digital and remote learning environments. Academic libraries often rely on this clause to support practices such as providing scanned readings to enrolled students or facilitating access through secure online platforms (Basu, 2018). However, the statute does not explicitly define the permissible extent of copying, nor does it clarify whether "course of instruction" encompasses asynchronous digital access, leading to interpretative uncertainty.

Empirical studies of library practice in India suggest wide variation in how fair dealing is operationalized, with institutions adopting conservative approaches due to fear of litigation and lack of authoritative guidance (Kumar & Singh, 2019). This caution is exacerbated by the absence of quantitative thresholds or safe harbor provisions specifying permissible amounts

of copying, unlike certain international models. As a result, academic libraries often self-impose restrictions that may exceed legal requirements, potentially undermining access to educational materials.

The application of fair dealing in digital environments also raises concerns regarding cumulative and repeated access. While a single instance of copying for instructional use may be defensible, continuous digital availability of materials to large student cohorts complicates the assessment of fairness and market impact (Banerjee, 2014).

3.3 Judicial interpretations and policy guidance

Judicial interpretation has played a critical role in shaping the contours of educational use and fair dealing in India, particularly in the absence of detailed statutory guidance on digital practices. Indian courts have historically emphasized the public interest dimension of copyright law, recognizing education as a constitutionally significant objective (Aggarwal, 2020). This jurisprudential orientation has provided academic libraries with a degree of normative support, even as legal uncertainty persists.

A landmark development in this regard was the judicial affirmation that reproduction of copyrighted works for instructional purposes can fall within the ambit of fair dealing, provided it serves bona fide educational objectives and does not substitute the original market for the work (Sarkar, 2016). Although such rulings were rendered in contexts involving photocopying and printed materials, their reasoning has been extended by scholars and policy analysts to digital environments, especially during periods of emergency remote teaching (Banerjee, 2014).

Policy guidance from governmental and quasi-governmental bodies has further shaped institutional understanding of lawful educational use. Reports and consultation papers issued in the wake of the 2012 amendments emphasized the need to balance authors' rights with the imperatives of access, affordability, and educational equity (Ministry of Human Resource Development, 2012). However, these documents often stop short of providing operational clarity for libraries, functioning more as normative statements than actionable guidelines.

3.4 Role of government and regulatory bodies

Government ministries and regulatory bodies play a decisive role in shaping how academic libraries interpret and implement copyright law in India. The Ministry of Education, through

its oversight of higher education policy, has consistently promoted digital learning initiatives, including massive open online courses and national digital repositories, implicitly encouraging widespread digital access to educational materials (Mukherjee, 2020). However, these initiatives often operate alongside, rather than within, a clearly articulated copyright compliance framework.

The University Grants Commission (UGC) has issued guidelines emphasizing access to learning resources, research dissemination, and digital infrastructure development as criteria for accreditation and quality assessment (UGC, 2019). While these guidelines reinforce the centrality of digital libraries, they provide limited direction on managing copyright risks, leaving compliance responsibilities to individual institutions.

The Indian Copyright Office, as the administrative authority under the Act, has focused primarily on registration, enforcement, and rights-holder concerns, with relatively limited engagement in educational policy discourse (Basu, 2018). This institutional division of labor has resulted in a policy gap where libraries must reconcile educational mandates with copyright compliance without coordinated regulatory support.

4. FAIR DEALING AND ACADEMIC LIBRARY PRACTICES

4.1 Conceptual basis of fair dealing in education

Fair dealing occupies a central position in Indian copyright law as the primary doctrinal mechanism through which the public interest in education, research, and knowledge dissemination is balanced against the exclusive rights of copyright holders. Unlike proprietary rights that emphasize economic incentives for creators, fair dealing is rooted in the recognition that unrestricted exclusivity may undermine constitutional and developmental goals, particularly in a country with vast educational demand and socio-economic diversity (Basu, 2018). In the Indian context, education has consistently been treated as a privileged domain, reflecting the constitutional commitment to access to knowledge and the advancement of learning.

Section 52 of the Copyright Act, 1957 codifies this balance by exempting specific acts from infringement when undertaken for purposes such as private use, research, education, and instruction. The conceptual justification for these exemptions lies in the understanding that educational use does not merely consume copyrighted works but contributes to social welfare by fostering human capital formation and innovation (Sarkar, 2016). Academic libraries, as

institutional intermediaries between rights holders and users, operationalize this balance by facilitating access while attempting to remain within statutory limits.

Scholarly analysis suggests that Indian fair dealing doctrine is inherently purposive rather than quantitative, focusing on the nature and objective of use rather than prescribing rigid numerical thresholds (Banerjee, 2014). This approach reflects legislative intent to provide flexibility in educational contexts, recognizing that pedagogical needs vary across disciplines, class sizes, and institutional capacities. However, this same flexibility also introduces interpretive challenges when applied to digital environments characterized by scale, permanence, and ease of duplication.

In a developing country context, the normative foundation of fair dealing is further reinforced by affordability concerns. Empirical studies indicate that high textbook costs and limited library budgets significantly restrict access for students in public universities, making fair dealing-based access mechanisms critical for educational equity (Tilak, 2018). Thus, fair dealing in India is not merely a legal exception but a policy instrument aligned with broader developmental objectives.

4.2 Application to digital library services

In practice, Indian academic libraries increasingly rely on fair dealing to justify a range of digital services, including scanned course readings, electronic reserves, and online access through learning management systems. These services have become particularly prominent in large public universities, where student enrollments often far exceed the availability of physical copies of prescribed texts (Kumar & Singh, 2019). Fair dealing is commonly invoked to support limited digitization of book chapters, journal articles, and excerpts distributed exclusively to enrolled students for instructional purposes.

The expansion of digital library services accelerated sharply during periods of remote teaching, when physical access to library spaces was restricted and digital delivery became the primary mode of academic engagement (Mukherjee, 2020). Libraries responded by scaling up scanning operations and providing password-protected access to course materials, often relying on institutional interpretations of “course of instruction” under Section 52. These practices highlight how fair dealing has been pragmatically adapted to digital realities, even in the absence of explicit statutory authorization.

However, the application of fair dealing to digital services raises complex questions regarding scope and proportionality. While providing a scanned chapter for a specific course may be defensible, repeated and long-term digital availability of the same material to successive cohorts potentially alters the fairness calculus by approximating substitution for the original work (Banerjee, 2014). Moreover, digital access enables simultaneous use by hundreds of students, amplifying potential market impact compared to traditional print lending.

Despite these challenges, surveys of Indian academic libraries suggest that digital fair dealing practices are often guided by informal norms rather than standardized policies, with decisions shaped by institutional culture, risk perception, and administrative oversight (Bansode & Kumbhar, 2017). This variability underscores the need for clearer policy articulation to ensure consistency and legal defensibility across institutions.

4.3 Legal uncertainty and compliance risks

The absence of explicit statutory provisions governing digital lending creates significant legal uncertainty for Indian academic libraries. While Section 52 provides a foundation for educational use, it does not address key digital-specific issues such as electronic storage duration, repeated access, technological safeguards, or the cumulative effect of multiple uses (Aggarwal, 2020). As a result, libraries operate in a gray zone where lawful intent does not always translate into legal certainty.

Compliance risks are compounded by the increasing role of licensing agreements, which frequently impose restrictions that are narrower than statutory fair dealing allowances. Many electronic resource licenses prohibit systematic downloading, electronic redistribution, or course-pack use, exposing libraries to contractual liability even when copyright infringement may be defensible under the Act (Crews, 2012). This dual regulatory regime—statutory law on one hand and contract law on the other—creates operational complexity and heightens institutional risk.

The lack of authoritative administrative guidance further exacerbates uncertainty. Unlike some jurisdictions that issue sector-specific fair use guidelines, Indian regulatory bodies have largely refrained from issuing detailed compliance frameworks for academic libraries (Basu, 2018). Consequently, risk assessment is often devolved to library professionals who may lack legal training, leading to overly cautious practices or inconsistent application of fair dealing.

Empirical evidence suggests that fear of litigation, reputational damage, and funding consequences has led many institutions to underutilize fair dealing provisions, thereby restricting access beyond what the law requires (Kumar & Singh, 2019). This chilling effect undermines the policy rationale of fair dealing and disproportionately affects students in under-resourced institutions.

5. DIGITAL LENDING MODELS AND POLICY CHALLENGES IN INDIA

5.1 Forms of digital lending in Indian academic libraries

Digital lending in Indian academic libraries has evolved as a pragmatic response to expanding enrollments, constrained print collections, and the growing reliance on digital pedagogy. One of the most prevalent models involves **temporary digital access to digitized materials**, where selected chapters or articles are scanned and made available to enrolled students through password-protected learning management systems for the duration of a course (Kumar & Singh, 2019). This practice mirrors traditional short-term lending of physical reserve copies but operates at a much larger scale due to the size of Indian classrooms, which often exceed 100 students per course in public universities (Tilak, 2018).

Another widely adopted model is **digital interlibrary document delivery**, whereby academic libraries supply scanned copies of journal articles or limited excerpts from books to researchers at other institutions. This model has gained prominence in India due to uneven distribution of scholarly resources across institutions and the high cost of journal subscriptions (Bansode & Kumbhar, 2017). Digital document delivery enables resource sharing across geographical regions, reducing delays and supporting research productivity, particularly in state and rural universities.

Digital course packs constitute a third major form of digital lending. Libraries curate collections of readings—often combining chapters, articles, and case materials—aligned with course syllabi and provide access through institutional platforms. While course packs have long existed in print form, their digitization has intensified copyright scrutiny because digital copies can be accessed simultaneously and repeatedly by large cohorts (Banerjee, 2014). Despite these concerns, digital course packs have become indispensable in disciplines where students cannot afford multiple prescribed textbooks.

Collectively, these digital lending models reflect a shift from ownership-based access to time-bound and purpose-specific access. However, their legality remains contingent on fair dealing

interpretations, license terms, and institutional safeguards, highlighting the need for clearer policy articulation.

5.2 Licensing, contracts, and access restrictions

Licensing agreements with publishers and database providers play a decisive role in shaping the practical limits of digital lending in Indian academic libraries. Unlike statutory copyright exceptions, licenses are governed by contract law and often impose conditions that significantly restrict copying, sharing, and redistribution, even for educational purposes (Crews, 2012). In India, where a substantial proportion of electronic resources are accessed through national or regional consortia, these contractual terms effectively function as parallel regulation.

Empirical analyses indicate that many standard licenses prohibit electronic course-pack creation, systematic downloading, or interlibrary digital sharing, regardless of whether such uses might be defensible under Section 52 of the Copyright Act (Aggarwal, 2020). Libraries are frequently required to implement technological controls, usage monitoring, and user authentication mechanisms as conditions of access, shifting compliance responsibilities onto institutions.

This contractual override has significant implications for digital lending. While statutory fair dealing emphasizes purpose and public interest, licenses prioritize market protection and rights-holder control, often narrowing access beyond what copyright law itself mandates (Hugenholtz & Okediji, 2008). Indian academic libraries, particularly those dependent on consortial subscriptions, face limited bargaining power, resulting in acceptance of restrictive terms that constrain pedagogical flexibility.

The policy challenge is compounded by the lack of standardized national licensing guidelines for educational use. Unlike some jurisdictions that negotiate sector-wide educational licenses, Indian institutions often operate under fragmented contractual arrangements, leading to inconsistent access conditions across universities (Mukherjee, 2020). This fragmentation undermines the potential of digital lending as a tool for equitable access.

5.3 Access, equity, and inclusive education

Digital lending occupies a critical position within India's broader goals of access, equity, and inclusive education. The National Education Policy emphasizes technology-enabled learning

as a means of expanding access to higher education, particularly for students in remote and underserved regions (Ministry of Education, 2020). Digital lending models support this objective by enabling students to access essential readings without physical presence in library spaces.

Socio-economic data underscore the importance of such access mechanisms. Studies show that a significant proportion of students in public universities rely primarily on library-provided materials due to the high cost of academic textbooks and limited personal purchasing power (Tilak, 2018). Digital lending reduces geographic and financial barriers, allowing students from rural areas and first-generation learners to participate more fully in academic life.

Accessibility considerations further strengthen the case for digital lending. For students with print disabilities, digital formats are often the only practical means of accessing course materials in a timely manner. Indian copyright law recognizes certain accessibility exceptions, but their integration into routine library practice remains uneven (Banerjee, 2014). Digital lending, when implemented with appropriate safeguards, can advance inclusive education objectives by enabling adaptive technologies and flexible access.

However, these equity-driven imperatives frequently come into tension with restrictive copyright and licensing regimes. Overly cautious compliance practices or stringent license terms can disproportionately affect marginalized students, undermining the social function of academic libraries (Basu, 2018). This tension highlights the need for policy frameworks that explicitly reconcile rights protection with educational equity.

5.4 Institutional risk management approaches

In the face of legal and contractual uncertainty, Indian academic libraries have increasingly adopted **risk management strategies** to govern digital lending practices. These strategies are designed to demonstrate good-faith compliance with copyright law while sustaining essential access services. Common measures include limiting digital access to enrolled users, restricting availability to specific time periods, and ensuring that digitized materials are removed at the end of a course (Mukherjee, 2020).

User authentication systems play a central role in these approaches, ensuring that access is confined to authorized academic communities. Libraries also employ access logs and usage monitoring to comply with license conditions and to respond promptly to rights-holder

concerns (Crews, 2012). Such measures serve both compliance and evidentiary functions, allowing institutions to demonstrate due diligence in the event of disputes.

Another key strategy involves **takedown mechanisms**, whereby libraries commit to removing content upon receiving objections from rights holders. While this reactive approach reduces litigation risk, it also places the burden of enforcement on libraries rather than providing proactive legal clarity (Aggarwal, 2020). Internal review committees and copyright officers are increasingly used to evaluate proposed digitization activities, though their authority and resources vary widely across institutions.

6. POLICY IMPLICATIONS AND RECOMMENDATIONS

6.1 Implications for academic library governance

The findings of this review underscore the urgent need for stronger and more coherent governance structures within Indian academic libraries to address copyright compliance in the digital environment. While libraries have rapidly expanded digital lending services in response to pedagogical and access demands, governance mechanisms have not evolved at the same pace, resulting in fragmented decision-making and uneven compliance practices across institutions (Mukherjee, 2020). This governance gap is particularly significant in public universities, where high enrollments, limited budgets, and decentralized administrative structures intensify operational pressures.

Effective library governance requires explicit alignment between institutional educational missions and copyright compliance frameworks. In many Indian universities, digital access initiatives are driven by academic departments or information technology units without adequate integration of copyright expertise, placing libraries in reactive rather than strategic roles (Kumar & Singh, 2019). This misalignment exposes institutions to legal and reputational risks while simultaneously constraining lawful access to learning resources.

The absence of clearly articulated institutional copyright policies also shifts interpretive responsibility onto individual librarians, who may lack formal legal training and institutional authority to make defensible decisions (Basu, 2018). As a result, governance often defaults to risk-averse practices that prioritize institutional protection over educational access, undermining the normative intent of fair dealing provisions. Strengthening governance structures is therefore essential to balance compliance, access, and accountability in Indian academic libraries.

6.2 Recommendations for institutional policy development

At the institutional level, the most immediate priority is the development of **clear, standardized copyright policies** tailored to the Indian legal context. Such policies should explicitly articulate permissible digital lending practices under Section 52 of the Copyright Act.

Enhancing **copyright literacy** among library professionals, faculty, and administrators is equally critical. Studies indicate that limited understanding of copyright law contributes significantly to overly restrictive access practices in Indian universities (Kumar & Singh, 2019). Regular training programs, workshops, and inclusion of copyright education in library science curricula would empower professionals to make informed, defensible decisions.

Institutional coordination mechanisms must also be strengthened. Effective copyright governance requires structured collaboration between libraries, legal offices, academic leadership, and information technology units (Crews, 2012).

Finally, institutions should adopt **transparent documentation and review processes**, including digitization logs, access controls, and takedown procedures. While such measures serve compliance objectives, they also provide evidence of good-faith efforts to balance rights and access, which is critical in the absence of explicit statutory safe harbors (Aggarwal, 2020). Together, these institutional reforms can transform copyright from a perceived barrier into a managed component of digital library strategy.

6.3 Implications for national copyright policy

Beyond institutional reform, this review highlights significant implications for national copyright policy in India. The existing legal framework, while accommodating educational use in principle, lacks explicit recognition of digital lending as a legitimate library function. This omission creates systemic uncertainty that cannot be fully resolved through institutional policy alone (Basu, 2018). As digital education becomes a permanent feature of higher education, statutory clarification is increasingly necessary.

One key policy gap concerns the absence of **technology-neutral educational exceptions** that clearly encompass digitization, electronic storage, and controlled online access. Comparative policy analyses demonstrate that jurisdictions with explicit digital library exceptions provide greater legal certainty and facilitate wider educational access without demonstrable harm to

publishing markets (Hugenholtz & Okediji, 2008). Incorporating similar clarity into Indian law would align copyright policy with national education objectives.

7. CONCLUSION

This review highlights the central role of academic libraries in advancing India's higher education and equity objectives in an increasingly digital ecosystem. Copyright law should function not merely as a constraint, but as an enabling framework that balances rights protection with social and developmental goals. Aligning legal clarity, institutional practice, and educational policy is essential for sustaining digital access in Indian higher education. Future research that combines doctrinal analysis with empirical evidence from library practice will be vital to informing reforms that support both copyright compliance and the public mission of academic libraries.

REFERENCES

1. Aggarwal, A. (2020). *Copyright law in India* (12th ed.). Kluwer Law International.
2. Aggarwal, A. (2020). *Intellectual property rights* (4th ed.). New Delhi: LexisNexis.
3. Aithal, P. S., & Kumar, P. M. (2016). Teaching–learning process in higher education institutions. *International Journal of Multidisciplinary Research and Modern Education*, 2(1), 662–676.
4. Bansode, S. Y., & Kumbhar, R. (2017). Resource sharing and digital access in Indian academic libraries. *DESIDOC Journal of Library & Information Technology*, 37(2), 99–104.
5. Basu, D. D. (2018). *Law of copyright and industrial designs* (5th ed.). Gurugram: LexisNexis.
6. Chan, L., & Costa, S. (2005). Participation in the global knowledge commons. *New Library World*, 106(3/4), 141–163.
7. Crews, K. D. (2012). *Copyright law for librarians and educators* (3rd ed.). American Library Association.
8. Das, A. K. (2018). Open access movement in India. *Journal of Scholarly Publishing*, 49(3), 350–366.
9. Hugenholtz, P. B., & Okediji, R. L. (2008). Conceiving an international instrument on limitations and exceptions. *American University International Law Review*, 23(2), 281–342.

10. IFLA. (2015). IFLA statement on copyright exceptions and limitations for libraries. International Federation of Library Associations and Institutions.
11. Kumar, A., & Singh, R. (2019). Digital library initiatives in Indian universities. *Annals of Library and Information Studies*, 66(3), 141–149.
12. Ministry of Education. (2020). National Education Policy 2020. Government of India.
13. Ministry of Human Resource Development. (2012). Copyright (Amendment) Act, 2012: Statement of objects and reasons. Government of India.
14. Mukherjee, B. (2020). Digital transformation of academic libraries in India: Policy perspectives. *Library Philosophy and Practice*, 1–18.
15. Banerjee, S. (2014). Copyright exceptions for education in India: A critical analysis. *Journal of Intellectual Property Rights*, 19(4), 257–266.
16. Samuelson, P. (2017). Technological protection measures and public interest. *Communications of the ACM*, 60(3), 28–30.
17. Sarkar, S. (2016). Fair dealing under Indian copyright law. *Journal of Intellectual Property Rights*, 21(3), 191–199.
18. Tilak, J. B. G. (2018). Higher education, equity, and public policy in India. *Higher Education Policy*, 31(3), 315–334.
19. University Grants Commission. (2019). Quality mandate and digital learning in higher education. New Delhi: UGC.