

The Guru-Shishya Intellectual Property Dispute Through The Lens Of Kuchipudi

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Abstract: The Guru-Shishya tradition has been central to the transmission of India's cultural and artistic heritage, particularly in classical dance forms such as Kuchipudi. This pedagogical model, deeply rooted in mutual respect and lineage-based learning, fosters an intimate relationship between the Guru and Shishya. However, the individual-centric nature of the existing copyright regime, which grants exclusive rights to authors, contradicts this communal tradition, raising concerns about ownership, transmission, and infringement when Shishyas perform or propagate their Guru's choreographic works. This study critiques the limitations of applying Western copyright principles to pedagogical artforms, where creative works function as both personal expressions and shared cultural heritage. It highlights how existing legal frameworks fail to accommodate this unique dynamic, potentially hindering the continuity of traditional artforms. The paper then explores potential solutions, advocating for a more nuanced legal approach that recognizes lineage-based rights and allows for controlled transmission of artistic works within the Guru-Shishya framework. By addressing these challenges, the study aims to contribute to the broader discourse on intellectual property and traditional cultural expressions, emphasizing the need for legal frameworks that balance individual authorship with communal artistic inheritance. Ultimately, this paper underscores the necessity of re-evaluating intellectual property laws to support both the protection of artistic contributions and the sustainable transmission of India's cultural heritage, calling for a more Ethnically Influenced Framework.

1. INTRODUCTION

India is a country that boasts of a long and rich history. India has to its credit innovation and achievements in fields innumerable ranging from the

invention of zero to a culture so diverse that it is the home of arts ranging from kathakali to kathak, two very similar sounding yet entirely diverse artforms. In this day and age where we see universities focusing on andragogies for training of their students, with learner centric approach being cited as the most effective, it is a valid question as to how knowledge was imparted in those days and an age where the books that were being written were vague let alone inaccessible to the majority. This is where the significance of the *Guru* comes in.

2 GURU AND HIS SIGNIFICANCE

The Sanskrit term *Guru* literally translates to 'The dispeller of darkness'. *Guru* was seen as the one who led his disciples or 'Shishyas' in the right path, dispelling the darkness of ignorance and instilling in them the light of knowledge. A very South-Asian mode of knowledge transmission with its origin in India, the *Guru-Shishya Parampara* was the primary mode through which values and culture were transmitted in Ancient India.³ Proof of the existence as well as the significance of the *Guru* can be seen in the Vedas, Upanishads or Puranas, where they could be observed to be the propagators of spiritual knowledge and integral to the sustenance of varied sampradayas or lineages.⁴ In the beginning, *Guru* was the one that enabled the *Shishyas* to perform the Vedic rituals so as to obtain spiritual liberation. However, with the growth of the Upanishads, the *Guru* metamorphosed into the path to spiritual liberation.⁵ The Vedic period had *Gurus* imparting knowledge to their disciples orally. The *Guru* was the only source of knowledge and was held at the highest of regard.⁶ In Ancient India, the disciples stayed with

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³ Meetu Khosla & Vaisnavi Joshi, *Understanding the Relationship between Guru and Shishya in Guru-Shishya Parampara: Implications for Well-being*, 278-285, IJHW Vol. 12(3), 2021.

⁴ Kristina Luna Dolinina, "Who is Your Guru? Traditional Knowledge Transmission and Changing Institutional Setting in Kathak Dance Education", *Lietuvos muzikologija*, 21, 2020.

⁵ Id

⁶ Ibid note 1 pg 2

their students in what was called the *Gurukula* system. This resulted in there being invariably a deep interpersonal bond between the *Guru* and his *Shishyas*, a bond forged of respect, admiration and familiarity. The *Gurukula* system also had the added advantage that since the *Shishya* was spending all hours of the day during his formative years with the *Guru*, the *Guru* had immense influence on the *Shishya's* personality.

Though decades and centuries passed by, India has held onto the rich *Guru-Shishya* bond with immense dedication. While modern universities and schools have shifted to a more western idea or expression of 'Teacher' which is entirely distinct from the notion of a *Guru*, the one space that has preserved the *Guru-Shishya* Bond is the Indian Cultural Landscape. All of India's cultural expressions and traditional knowledge, whether it be dance, music, sculpture, theatre or even ayurveda, holds the *Guru* at the highest of regard. The extent of the effectiveness of the *Shishya's* learning depends on the bond that he shares with the *Guru*. While the *Guru* is an integral cog in the propagation of any artform, this paper deals exclusively with the *Gurus* of Kuchipudi.

2.1 A SLIGHT SHIFT ON WHO THE *GURU* IS

Initially, artforms and their practice was largely a family affair in India. Most artforms were a matter of birthright which was attained by being born in a particular family or a distinctive community. This meant that for most artforms, the *Gurus* would invariably be Fathers or Uncles of the *Shishya*. Thus, there existed a familial connection between the *Guru* and the *Shishya*. There were a lot of instances where the learning of the artform was not a matter of choice but an obligation. However, slowly, especially post the Bhakti Movement and independence, the practitioners of most artforms opened up the doors of the artforms to the general public, at first with the aim of unification and then for propagation of the distinct culture of the nation. The *Shishyas* travelled far and wide in search of the right *Guru* while the *Gurus* in turn travelled the length and breadth of the nation to propagate the art.

3. GURU, SHISHYA AND THEIR MUTUAL SIGNIFICANCE

The *Guru-Shishya* bond in Kuchipudi is deeply rooted in tradition, shaping both the personal and artistic journey of a disciple. Historically, the *Guru* was a familial figure, but even as this relationship

evolved to include non-familial teachers, the *Guru's* role remained central. A *Shishya* begins his training at the *Guru's* feet, learning not just the basics of the artform but also receiving personalized guidance based on his strengths, weaknesses, and temperament. The *Guru's* role extends beyond teaching; he shapes the disciple's artistic expression and personal development, creating a relationship akin to that of a parent and child.

This deep connection results in a lifelong association, where the *Shishya* is forever identified as his *Guru's* disciple. The *Guru's* responsibility does not end with imparting knowledge—he ensures that the disciple embodies the tradition, values, and artistic philosophy passed down through generations. However, at a certain point, this responsibility shifts. As the *Shishya* matures, he takes on the duty of upholding and furthering his *Guru's* legacy. The *Guru's* reputation is often reflected in the *Shishya's* artistry, making the disciple not only a performer but also a custodian of his *Guru's* creative identity.

A common question arises—if all *Gurus* teach the same fundamental movements, what makes each one significant? The answer lies in the personal expression that defines each *Guru's* style. While all students learn the same basics, their performances reflect their personalities, leading to distinct interpretations of the same piece. Over time, these unique nuances become the *Guru's* artistic signature. When a *Shishya* adopts and propagates this signature, it gives rise to a distinct school or tradition within the broader artform. Schools of dance emerge not from differing fundamentals but from the refined, personalized expressions of their *Gurus*.

Thus, the *Guru* and *Shishya* exist in a symbiotic relationship. The *Guru* dedicates himself to shaping his disciple, and the *Shishya*, in turn, honours and elevates his *Guru's* legacy. No matter how accomplished the *Shishya* becomes, he remains a reflection of his *Guru's* teachings, ensuring the continuity and evolution of the tradition.

4. HISTORY OF KUCHIPUDI AND THE GURU'S SIGNIFICANCE IN THE ARTFORM

4.1 EARLY HISTORY

The artform of Kuchipudi has a long and rich history that spans not decades but centuries. Evidence of the existence of a dance drama tradition by the name of

Bhagavata Mela/Brahmana Mela, can be found in inscriptions of the eight, ninth and tenth centuries from Andhra, Tamil Nadu as well as Karnataka. This has later on been identified to have been a product of the confluence of *Yakshagana*, which though originally a Telugu folk form of musical play found patronage in Tamil Nadu and Karnataka and is now the identified Traditional Folk Theatre form of the state, and *uparupakas*, that is, other forms of Indian theatre that existed in the region at the time.⁷

The Brahmin exponents of the Bhagavata Mela gave a more stylised form to the *Yakshagana* plays and termed them *Kalapams*. The practitioners came to be known as *Bhagavatulus*. From around the period of 15th century A.D, along with the propagation of the Bhakti cult, the artform saw greater growth with it being utilised as a mode for expression of the ideas that were being propagated.

4.2 THE FATHER OF THE ARTFORM

Prior to this however, was the period that saw the artform truly come to its own with the life and the contributions of a man who later came to be hailed as the Father of Kuchipudi, Siddhendra Yogi. Originally a brahmana boy from the village of Kuchelapuram, Siddhendra had travelled far and wide in search of Vedic Knowledge. Having left his home during his childhood, Siddhendra returned in his teenage. However, a fated encounter with a river in full anger of mother nature and the following near-death experience made Siddhendra realise the meaning of life and compose *Parijatapaharana*, a dance drama that had at its centre the yearning of the *Jivatma* to meet the *paramatma* and taught it to the young brahmin boys of the village of Kuchelapuram, a name which later gave way to the name of Kuchipudi. He also made the young boys promise that they shall perform the drama atleast once a year and that they will teach the same to their sons and descendants as a way to preserve the culture.

This promise was kept by the young boys and they continued to practice the drama as well as the artform by not only practicing but also teaching the artform to their sons and descendants. Originally exclusively practised by men, the female characters were

originally Trouser roles, that is, female roles played by men in feminine outfit and makeup.

It was not that the tradition was solely propagated by the men of the village without any patronage. 1678 AD saw the then Nawab of Golconda, Abul Hasn Tahnishah, absolutely mesmerised by a Kuchipudi presentation, offering patronage to the practitioners by granting the lands of the Kuchipudi village to member of 33 families that took part in the presentation by way of an announcement via a copper plate.

4.3 THE BRITISH IMPACT

Though well-endowed with practitioners and a rich culture, Kuchipudi saw a decline in its growth owing to the various influences that took over the nation prior to the British Rule. The colonisers could never fully acknowledge the cultural ideology that backed the Indian performing arts and their practice. They outlawed the devadasi system which was the main method of transmission of the artform in the year 1911⁸. These moves of the British, led to a never-before-seen sense of belonging and cultural identity in the nationals.⁹ This along with the growing popularity of films and multiple practitioner joining drama companies in the 1930s and 40s led to a wane in the popularity of the artform. However, it could be said that the colonisation and the subsequent freedom struggle arrived as a blessing to the artform. The growth of the spirit of nationalism and taking pride in our heritage and cultural identity catalysed many artists and visionaries to spearhead the propagation of artforms around the nation. This duty was taken up by three visionaries, Banda Kanakalingeshwara Rao, Vissa Appa Rao as well as Tandava Krishna who started organising troupes and presenting the artform at venues far and wide. This was also the period around which the artform started being identified as 'Kuchipudi' instead of *Bhagavata Mela* so as to differentiate it from the drama tradition that existed in Tamil Nadu by the name of *Bhagavata Mela Natakam*, having its epicentre in Tanjavur.¹⁰

Simultaneously, *Guru Vedantam Lakshminarayana Sastri* brought about a radical change in the presentation of the artform, introducing solo numbers

⁷ SUNIL KOTHARI & AVINASH PASRICHA, KUCHIPUDI: INDIAN CLASSICAL DANCE ART 29. 1, 2025

⁸ Devi Girish Chandra, *Identity and Culture Politics in Kuchipudi*, TLH Journal, 6(2), August 2020

⁹ Ibid.

¹⁰ SUNIL KOTHARI & AVINASH PASRICHA, KUCHIPUDI: INDIAN CLASSICAL DANCE ART 34. 1, 2025

in what was exclusively a group presentation and also introducing pure dance pieces, intended to bring out the life and energy of the artform. He also introduced female dancers, an idea which was unironically blasphemous at that point of time but however had the backing of the various female practitioners of other artforms coming to the fore at the same time, as well as the technique of dancing on the rim of a brass plate, a feature that has become synonymous to the artform since¹¹.

While other *Gurus* such as Vedantam Raghavayya and Vempati Pedda Satyam moved to the film choreography field, helping in the popularisation of the technique of the artform if not the artform itself among the common public, Vempati Chinna Sathyam moved to Madras and focused on training solo practitioners, adding numbers to the repertoire of the artform while simultaneously also putting forward multiple dance-dramas. The multitude of female students who joined Kuchipudi Art Academy, the dance school set up by Vempatti Chinna Sathyam in Madras ensured that he was the true proponent of his *Guru*, Vedanatham Lakhminarayana Shastri's legacy in that he popularised both the performance by female practitioners as well as the presentation of solo numbers while also balancing the preservation of the tradition via multiple dance-dramas. He played an integral role in training a vast majority of the dancers who later on became final words in the artform, while also touring nations around the world along with his troupe, popularising the artform worldwide.

With the established of the Kendra Sangeet Natak Akademi and the subsequent All India Dance Seminar which was convened in 1958 at Delhi and in 1959 at Hyderabad where Vissa Appa Rao and other *Gurus* presented the artform, Kuchipudi was finally recognised as a Classical Dance Form. This along with the global popularity brought about by Vempatti Chinna Sathyam as well as other practitioners ensured that Kuchipudi as an artform has its unassailed identity not just in the nation but worldwide.

4.4 THE ROLE OF THE *GURUS*

A brief reading of the history mentioned above clarifies the glaring role that the *Gurus* played not just

in the transmission of Kuchipudi but also in the general upliftment of the artform as such. It is *Gurus* such as Visa Appa Rao, Vedantam LakshmiNarayana Sastry and Vempatti Chinna Sathyam alongside a plethora of others who ensured that the artform, which could have shrunk into the boundaries of the tiny village of Kuchipudi or Kuchelapuram, reached the world and got the recognition that it deserved.

5. COPYRIGHT OF PEDAGOGICAL ARTFORMS AND CONCERNS

At this juncture, a question naturally arises as to what the relevance of the discussion of the *Guru-Shishya* dynamics in an Intellectual Property context is. The highly diverse and unique artforms are undoubtedly to be protected. However, a very interesting question arises here in this context. To understand this better, the entirety of Kuchipudi can be divided into two. First, the part of Kuchipudi that has been passed down over generations- the basics, the traditional pieces, what could be considered the building blocks of the artforms. In short, the Traditional Expressions. Second comes new works created using the traditional expression. Since danceforms are fundamentally diverse movement vocabularies, every practitioner as well as *Guru* has the freedom to create new works using the established and traditionally transmitted basics, bringing out a new expression. Let this be termed Modern Expressions. The protection of both aspects pose unique challenges. The question as to the protection of the Traditional Expressions can be answered by way of protection of Kuchipudi as a Traditional Cultural Expression. However, the focus here is on the question of protection of the Modern Expressions.

As has been already stated, Indian Artforms are highly pedagogical in nature with the transmission of knowledge between the *Guru* and the *Shishya* and the highly intimate *Guru-Shishya* bond at the centre of the Artform. The armoury of any *Shishya* consists of traditional pieces as well as pieces that are created by his *Guru* utilising the traditional knowledge or vocabulary. These Modern Expressions are new works that have been created by the *Gurus*, themselves practitioners of the dance form. They utilise the vocabulary and the basics of the artform that have been handed down by their *Gurus* to them

¹¹ Murali Basa Murali Basa & Bijina KK, *Inheritance and Growth of Kuchipudi Dance*, Dogo Rangsang Research Journal, 11(3). 1. March 2021

and form a new expression that is unique and novel. It has already been observed that the performance and propagation of these new works by the *Shishyas* is necessary for not just the propagation of the artform but also for the popular acceptance of the *Guru*. A *Guru* is defined by the success of his *Shishyas* and through their actions. Thus, these works are ones that are modern expressions using traditional elements. Being original expressions created by the *Gurus*, they are bound to be protected under the Copyright Act, 1957.

However, a hurdle is posed by the Copyright Act, 1957 in this regard. As mentioned, the Modern Expressions are eligible to be protected under the Copyright Act as a dramatic work. This means that the *Guru* who is the choreographer is identified as the author and this entitles the *Guru* to all rights provided for under Section 14(a) of the Act. The challenge is posed in that, according to the provisions of the act, this means that any reproduction of the work or any performance or communication to the public by anyone other than the *Guru* will be considered an infringement of the author's rights under Section 51. This problem is further magnified by the case of any performance of the work by a *Shishya's Shishya*.

6. THE WESTERN CONCEPT OF COPYRIGHT

The disconnect between the protection needed for Kuchipudi and the protection provided by the current legislation can be better understood through obtaining a proper understanding of the origin or the history of the current copyright regime.

The British Crown, in the first half of the sixteenth century, had claimed a royal prerogative to grant the exclusive privilege of printing them. The first known dispute of Copyright came about in the year 1523 with respect to a work originally printed by Wynkyn de Worde. This was followed by the establishment of the Stationer's Company, which was a kind of guild of printers, that was to keep a register of books wherein the titles and reprints were to be registered in the year 1556. Any book printed contrary to the regulations were to be seized and burned and any such person who prints against these regulations was to be imprisoned.

Following this was a series of minor acts regarding licensing of pamphlets. The next major act was the Licensing Act of 1662. This act had however, had more of a censoring effect than copyright. It explicitly stated that books containing any doctrine or

opinion contrary to that held by the Church shall not be printed and it also increased the reach and powers of the Master and Wardens of the Stationer's company to seize books.

However, this Act caused a lot of hue and cry among the authors since the extreme powers given to the Masters and Wardens was too high. This Act however expired in the year 1694. This expiry left the authors and printers at a dismal situation where their works were left unprotected. In the years 1703, 1706 and 1709, the authors and booksellers petitioned the Parliament for a bill to protect against them the situation that they termed 'Ruin'.

These petitions led to the 'Statute of Anne', a legislation that is known as the first copyright law in the world. According to this statute, the author and/or his assignee was to have the sole right of printing new books for a period of fourteen years and, if at the end of this period the author is still alive, he was to have the right for another fourteen years. In the case of books that were already existing, the term was set to twenty-one years from August 10th, 1710. The enactment of the Statute of Anne was followed by over half a decade of battles between advocates of the perpetual ownership of the author over the book and advocates of the fixed term of rights post which it fell into what is now known as the public domain.

Next came the Copyright Act of 1842 which granted copyright for forty-two years from publication or 7 years from the death of the author, whichever was longest. Lord Macaulay, through his relentless efforts, had vehemently opposed the extension of this period to 60 years which is the reason why it came to be forty-two years as is in the statute.

It is this copyright regime and philosophy that was the inspiration for the regime under the TRIPS agreement. The provisions of the TRIPS agreement are what has been accepted by the majority of the nations and forms the skeleton for the majority of the copyright regimes that exist today. However, it is the very same western idea that is posing a roadblock to the protection of Modern Expressions of Kuchipudi and in that case any new work that is created using traditional vocabulary.

7. NEED FOR A NEW APPROACH

Thus the concept of copyright as per the Copyright Act, 1957 is a highly westernised concept that does not acknowledge the implications and intricacies of the *Guru-Shishya* Bond. The performance of the

Guru's copyrighted work by the *Shishya* amounting to infringement is a blatant disrespect of the fundamentals of the Indian Cultural Heritage. Hence there is a need for a specialised regime for the protection of such works in such contexts.

The implementation of a provision or a statute that protects the *Guru* and at the same time enables the *Shishya* to reproduce or communicate the *Guru's* work is highly necessary. While such a provision enables the *Guru* to commercially exploit his own work and acknowledges his moral rights on the same, it should also recognise the right of his *Shishyas* or others that are part of his lineage to perform the same without infringement implications. There needs to be a system in place to identify or document the various lineages. Such a system has dual implications in that it not only enables a more efficient protection of the copyright of the *Gurus* when it comes to modern expressions, but it also enhances the preservation of the cultural heritage by properly documenting the torchbearers of each artform or style.

8. CONCLUSION

The *Guru-Shishya* dynamic in Kuchipudi presents a fundamental challenge to the conventional copyright framework, which is rooted in Western notions of exclusive rights. The transmission of knowledge in this artform is inherently communal and pedagogical, where the success and continuity of the tradition depends, atleast partially, on the ability of the *Shishya* to perform, propagate, and reinterpret the works of the *Guru*. However, the rigid application of copyright laws, which prioritize individual ownership and restrict unauthorized use, conflicts with the organic, lineage-based evolution of Kuchipudi.

This discrepancy highlights the need for a more nuanced legal framework—one that accommodates the unique nature of traditional artforms without stifling their evolution or undermining the *Guru's* creative contributions. The challenge is not just about ownership but about ensuring that intellectual property laws support, rather than hinder, the living tradition of Kuchipudi. A balance must be struck where *Gurus* receive due recognition and protection for their creative works, while also allowing for the free transmission and adaptation of these works within the *Guru-Shishya Parampara*. Addressing this issue requires a re-examination of copyright principles in the context of traditional cultural expressions, ensuring that they uphold both artistic integrity and cultural sustainability.