



Legal and Ethical Frameworks in Using Traditional Compositions: A Focus on Indian Classical Music and Dance



Dr. Mrs. Putanjani Mungar Purgus
Senior Lecturer, Mahatma Gandhi,
Mauritius

Abstract

This research investigates the inadequate legal and ethical frameworks governing the use of traditional compositions, with a specific focus on Indian classical music and dance. It highlights the limitations of current intellectual property (IP) laws, primarily designed for individual authorship, in addressing the collective nature of traditional knowledge and its profound cultural significance. The study analyses how existing legal frameworks struggle to accommodate oral traditions, community ownership, and the deep spiritual and social value inherent in these compositions, particularly within the context of the guru-shishya parampara. Through illustrative case studies, the research highlights challenges faced, underscoring the urgent need for a holistic approach integrating legal and ethical principles to protect this cultural heritage. Key findings emphasize the importance of community engagement, the application of Free, Prior, and Informed Consent (FPIC), equitable benefit-sharing mechanisms, and culturally sensitive documentation and preservation practices. Recommendations include strengthening legal frameworks through innovative sui generis systems, promoting ethical practices, fostering meaningful community engagement, supporting comprehensive documentation and preservation efforts, and encouraging collaboration among stakeholders to ensure the preservation, celebration and responsible use of traditional compositions while benefiting the communities that create them.

Keywords: (Traditional Compositions, Intellectual Property Law, Oral Traditions, Guru-Shishya Parampara, Free, Prior, and Informed Consent FPIC, Ethical Frameworks, Benefit-Sharing, Cultural, Appropriation, Cultural Preservation)

Research Paper

1. Introduction: Navigating the Complexities of Traditional Compositions

Indian classical music and dance are invaluable cultural heritage, embodying unique identities and spiritual beliefs. The increasing use of traditional compositions across various sectors necessitates a critical look at legal and ethical frameworks governing their application. Existing Western-centric IP laws often fail to protect these traditions, which frequently lack formal copyright and reside in collective community knowledge. This absence complicates preventing misappropriation and ensuring equitable benefit-sharing as current frameworks struggle with cultural ownership and community rights.

Beyond legalities, ethical considerations like cultural appropriation, community engagement, and respect for heritage are paramount. This study examines the

ethical implications of using traditional compositions, emphasizing responsible practices that uphold cultural integrity. It investigates how principles like Free, Prior, and Informed Consent (FPIC) can complement legal structures, alongside mechanisms for equitable benefit-sharing. By analyzing existing frameworks and identifying gaps, this research aims to propose recommendations for a comprehensive approach that balances the interests of artists, communities, and users, considering technology's impact on dissemination and protection.

Background of the Study

The use of traditional compositions, particularly in Indian classical music and dance, is widespread but often occurs within a complex legal and ethical landscape. Existing frameworks, like copyright, struggle

to address the collective nature of these traditions, as highlighted by scholars such as Cronin (2016), Coelho (2015), and Posey & Dutfield (1996). This can lead to misappropriation and the erosion of cultural heritage. Furthermore, ethical considerations, including informed consent and benefit-sharing, are frequently overlooked. The lack of clear legal and ethical guidelines undermines cultural heritage and can disempower communities.

Research Questions

How effectively do current legal frameworks protect traditional compositions from misappropriation and unauthorized use?

What key ethical considerations must be addressed when using traditional compositions, including informed consent, cultural sensitivity, and community benefit-sharing?

What discrepancies and challenges are present within the legal and ethical frameworks, and how can these be resolved to foster more responsible practices?

What recommendations can bolster the legal and ethical structures governing the use of traditional compositions worldwide, ensuring the safeguarding of cultural heritage and the entitlements of communities.

Objectives of the Study

The objective is to analyse regulatory and moral guidelines governing the use of traditional compositions, identifying challenges and proposing improvements. Specific objectives include: analysing existing legal frameworks, identifying key ethical principles, examining case studies, identifying gaps, and proposing recommendations for enhanced protection and responsible use of these art forms.

Hypothesis

This research hypothesizes that current legal frameworks inadequately protect traditional Indian music and dance compositions due to limitations in addressing collective ownership and commercial exploitation. Furthermore, ethical considerations are often insufficiently addressed, leading to cultural appropriation and a lack of community benefit-sharing. Strengthening legal frameworks and promoting ethical practices will improve the responsible and sustainable use of these art forms.

Relevance of this Study

This study is highly relevant due to the increasing use and potential exploitation of traditional composition it offers.

Academic Relevance: Contribution to knowledge on intellectual property, cultural heritage, and ethics.

Societal Relevance: Recommendations for improved legal and ethical frameworks to protect cultural heritage and empower communities.

Practical Relevance: Insights for policymakers and cultural organizations to promote responsible practices.

Literature Review: Legal and Ethical Frameworks and Traditional Compositions

This Literature Review examines scholarship on the legal and ethical structures governing the use of traditional compositions. It explores the intersection of intellectual property law, cultural heritage protection, and ethical considerations surrounding the appropriation and commercialization of traditional artistic expressions.

Legal Frameworks

The legal landscape surrounding traditional compositions is complex and often inadequate. Traditional IP law, primarily focused on individual authorship and originality, struggles to accommodate the collective nature of many traditional compositions, which often lack clear individual creators and are instead part of a shared cultural heritage. This is particularly challenging for art forms like Indian classical music and dance, which often rely on oral transmission, the guru-shishya parampara (teacher-student tradition), and communal creation.

Legal Scholarship on Traditional Knowledge and Intellectual Property

I. The Puzzle of Traditional Knowledge (2018)

This essay explores the contextual role of law in managing the use of traditional knowledge, emphasizing the need for legal frameworks that recognize the communal nature of such knowledge.

II. Unprotected Heritage: The Inadequate Safeguarding of Traditional Knowledge (2025)

The analysis reveals the deficiencies with copyright, patent and trademark systems, concerning the effective protection of traditional knowledge and cultural expressions. This work highlights the shortcomings in existing legal safeguards.

III. Traditional Knowledge Exists: IP Is Invented or Created (2015)

This work examines the theoretical limitations of intellectual property rights, particularly focusing on the time period limitations associated with copyright,



patents, and trademarks, and how these do not align with the nature of traditional knowledge.

IV. Legal Mechanism for Protecting Indigenous Knowledge

This paper discusses how patents can protect inventions that are novel and useful but critiques their applicability to traditional knowledge, which often does not fit the criteria of individual authorship and originality.

The reviewed legal scholarship underscores the inherent challenges in applying Intellectual Property to traditional compositions, leading to inadequate protection. This is especially pertinent to classical Indian music and dance, where the notion of individual creation often takes a backseat to the importance of lineage (gharana) and the collective input of the community.

Copyright's limitations significantly impact the protection of specific ragas and dance compositions due to their inherent nature and traditional transmission. Ragas, being melodic frameworks, and dance compositions, being structured group of syllables, often lack the precise fixity of expression required for straightforward copyright protection. While a specific composition using a raga or a specific item incorporating compositions of the dance might be copyrightable, the raga or dance composition form itself generally isn't. This is because:

- **Traditional Knowledge:** Ragas and dance compositions are often passed down through oral traditions and generations, making it difficult to establish a single author or originator. Copyright typically requires demonstrable authorship.
- **Improvisation:** A significant aspect of Indian classical music and dance is improvisation. Performers adapt and interpret ragas and dance composition differently often time, making it challenging to define a fixed, copyrightable version.
- **Collective Ownership:** Many ragas and dance compositions are considered collective creations, belonging to a community or tradition rather than an individual. Copyright, by its nature, is generally an individual or corporate right.
- **Difficulty in Enforcement:** Even if a specific arrangement or composition were copyrighted, enforcing those rights against widespread, informal use within the community or by others drawing inspiration from the tradition can be practically impossible.

Therefore, alternative legal and cultural mechanisms, such as unique protection systems for traditional knowledge, rights vested in communities, and ethical codes of conduct, are needed to complement copyright in safeguarding the integrity and preventing the misappropriation of these valuable art forms.

Sui generis

The concept of 'sui generis' protection, designed to protect traditional knowledge systems, has gained traction in some jurisdictions but faces challenges in implementation and enforcement.

'Sui generis' (Latin for "of its own kind") means a unique legal framework for knowledge that doesn't fit standard IP categories. It recognizes the collective nature of traditional knowledge.

I. A Sui Genesis Regime for Traditional Knowledge (2011)

This paper advocates for a unique legal framework for traditional knowledge, distinct from patents, copyrights, and trademarks, to protect communal heritage.

Existing intellectual property frameworks frequently fall short in accommodating the collective dimensions inherent in traditional knowledge. This work underscores the necessity of a more nuanced approach that respects and safeguards cultural heritage within traditional compositions.

Moreover, International legal instruments, such as the UNESCO Convention for the protection of the Intangible Cultural Heritage, provide frameworks for the safeguard of intangible cultural heritage but often lack specific mechanism for addressing the commercial use of traditional compositions.

Here are some international legal instruments that deal with the protection of intangible cultural heritage and how they affect the commercial use of traditional compositions:

I. UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003)

The purpose of this convention is to preserve and encourage intangible cultural heritage, including practices, artistic performances and ceremonies.

II. UN Declaration on the Rights of Indigenous Peoples (2007):

This declaration acknowledges the rights of indigenous populations to their cultural heritage and traditional knowledge, with a strong emphasis on Free, Prior, and



Informed Consent, (FPIC). Furthermore, it supports the rights of communities involved in Indian classical music and dance, with (FPIC) serving as a foundational principle for ethical practices within their cultural expressions.

III. Convention on Biological Diversity (CBD) (1992)

Although its primary focus is biodiversity, the CBD contains clauses for safeguarding traditional knowledge linked to genetic resources. It advocates for fair distribution of benefits derived from the use of such knowledge, yet its implementation in commercial settings, especially concerning traditional compositions, can be intricate and differ across nations.

IV. WIPO (World Intellectual Property Organisation), Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore:

This committee is actively engaged in creating international legal instruments to protect traditional knowledge and cultural expressions. Although discussions are ongoing, the lack of finalized agreements means that many traditional compositions remain vulnerable to commercial exploitation without adequate protection.

These instruments highlight the global recognition of the need to protect intangible cultural heritage, yet they often fall short in addressing the nuances of commercial use. The gaps in these frameworks underscore the importance of developing more specific legal mechanisms that can effectively safeguard traditional compositions from commodification and ensure that communities benefit equitably. These instruments highlight the need for a multi-faceted approach that combines legal protections, ethical guidelines, and community engagement to safeguard the art form from exploitation and ensure its sustainable development.

Ethical Considerations, Free, Prior and Informed Consent (FPIC), and Equitable Benefit-Sharing

It should be noted that, Ethical considerations are paramount in discussions surrounding traditional compositions. The concept of Cultural Appropriation, where elements of a culture are used by members of another culture without proper understanding or consent, has sparked significant debate. This occurs when elements of Indian classical music and dance are used by outsiders without understanding or respecting their cultural significance.

- Example: Non-Indian performers adopting traditional styles without proper acknowledgement can dilute the art form and disrespect its origins.

Two scholarly works that delve into the concept of cultural appropriation and its implications are as follows:

I. Between Cultural Appreciation and Cultural Appropriation: Self-Determination and the Politics of Cultural Exchange (2023)

This paper explores the nuanced distinctions between cultural appreciation and appropriation, particularly in contexts of power dynamics. It discussed how cultural elements can be exchanged in ways that respect the original culture and the importance of self-determination in these exchanges.

II. Investigating Cultural Appropriation: An Introduction, Policy Implications, and Future Directions (2024)

This work outlines the various forms of cultural exploitation and their consequences, particularly focusing on the harm caused to marginalized communities. It emphasizes the need for policies that address these issues and promote ethical cultural exchanges.

These sources provide valuable insights into the ethical considerations surrounding cultural appropriation and highlight the importance of understanding and respecting cultural contexts.

These observations are especially vital for safeguarding Indian classical music and dance, art forms whose authenticity and integrity can be jeopardized by thoughtless or predatory actions.

The concept of Free, Prior, and Informed Consent (FPIC)

It is fundamental to affirming the rights of communities, including those engaged in Indian classical music and dance, to govern the utilization of their traditional knowledge. As noted by Conservation International, FPIC empowers communities with the right to grant or deny permission for initiatives that might impact their cultural heritage. This is particularly significant in the following scenarios:

- **Performances:** Artists must obtain consent from communities before performing traditional pieces to honour cultural significance.
- **Recordings:** FPIC ensures communities control how their music and compositions are recorded and shared, protecting their heritage.



- **Commercial Ventures:** Consent is crucial for any commercial use, ensuring fair compensation and respect for the community's rights.

Example: A Nritha Composition (Ganesh Paran) of Kathak

- **Cultural Significance:** This particular composition of a specific gharana holds importance to the dance community.
- **Community Involvement:** Seeking FPIC ensures the community's traditions and nuances are respected.
- **Avoiding Cultural Appropriation:** Consent prevents unauthorized use of cultural elements.
- **Ethical Practice:** FPIC promotes fair benefits for the community involved.
- **Documentation:** The process helps preserve traditional compositions for future generations.

In summary, obtaining FPIC is crucial for honouring the cultural heritage in Kathak performances.

Free, Prior and Informed Consent (FPIC) is crucial for guaranteeing that communities are consulted and participate in decisions concerning the utilization of their traditional knowledge. This encompasses securing consent for performances, recordings, and the commercial application of particular compositions. It also ensures that the community, benefits from any commercial ventures related to their art form.

Equitable benefit-sharing is crucial for respecting and supporting communities. The following sources explore effective mechanisms for ensuring fair compensation and collaboration regarding traditional knowledge:

- I. Conservation Benefit-Sharing Mechanisms and Their Effectiveness
- II. Introduction to Access and Benefit-Sharing
- III. Traditional Knowledge and Benefit Sharing: From Compensation to Collaboration

These references underscore the significance of fair benefit-sharing mechanisms in ensuring that communities derive advantages from the use of the traditional compositions. They highlight various approaches and their effectiveness in fostering collaboration and respect for traditional knowledge.

So far Indian classical music and dance is concerned, equitable benefit-sharing could involve royalty payments to the artists and communities for the use of their compositions, collaborations with communities in the creation of new works, and support for the preservation and promotion of the art form through educational programmes or cultural centres.

For Example

- Stakeholders: involve artists, music labels, performance venues and communities.
- Application:
 - o **Financial Compensation:** Communities should receive a share of profits from commercial ventures
 - o **Recognition:** Acknowledgement of traditional knowledge in performances and recordings
 - o **Collaboration:** Partnerships between artists and communities can enhance authenticity and cultural preservation.

In summary, addressing cultural appropriation, applying FPIC, and ensuring benefit-sharing are essential for ethical practices in Indian classical music and dance.

Furthermore, the ethical implications of using traditional compositions in commercial contexts demand careful consideration, particularly concerning the potential for commodification and the erosion of cultural integrity.

Commercialization within Indian classical music and dance can unfortunately lead to the simplification or distortion of complex artistic traditions in an effort to appeal to a wider audience.

A significant legal precedent illustrating this is the case of Dagar v. A. R. Rahman (2025). In this instance, the Delhi High Court ruled in favour of the Dagar Brothers. The judgement underscored the critical need for ethical engagement with traditional music in commercial settings. Consequently, Rahman was ordered to provide appropriate credits and a financial settlement, thereby emphasizing the paramount importance of respecting the cultural integrity of traditional compositions.

Actions such as these are vital for the preservation of Indian traditional music and dance. These art forms are particularly vulnerable, as their authenticity and integrity can be threatened by insensitive or exploitative practices.

Existing Scholarly Discourse

This academic review delves deeper into the ongoing scholarly conversation regarding the safeguarding of traditional cultural expressions (TCEs). It highlights the inadequacies of existing intellectual property (IP) frameworks and stresses the necessity for approaches that are more culturally attuned and equitable.

The review will utilize significant works by Coelho (2015), Posey and Dutfield (1996), Dutfield (2000), and Greaves (1994), alongside materials from the World



Intellectual Property Organisation (WIPO), to offer a thorough summary of the current research landscape and identify gaps in existing literature.

The use of traditional compositions is increasingly prevalent in various contexts, yet existing legal frameworks often struggle to protect these cultural expressions. Cronin (2016) argues that current copyright laws are inadequate for safeguarding traditional knowledge due to their focus on individual authorship. This limitation is echoed by Posey and Dutfield (1996), who emphasize the collective nature of traditional knowledge and the need for community ownership. Furthermore, ethical considerations surrounding the use of traditional compositions are frequently overlooked. Greaves (1994) highlights the risks of cultural insensitivity and exploitation when proper consent is not obtained. The World Intellectual Property Organisation (WIPO) provides resources that address these challenges, advocating for more equitable approaches to protect traditional cultural expressions. This is particularly evident in the context of Indian Classical music and dance, where the emphasis on collective authorship and the oral transmission of knowledge pose unique challenges for traditional copyright laws.

In essence, this section argues that existing IP frameworks are inadequate for protecting traditional cultural expressions, advocating for alternative, community-focused approaches.

Notable case studies from the realm of Indian classical music and dance, focusing on copyright disputes, cultural appropriation, and benefit-sharing arrangements:

I. Copyright Disputes

- **Dagar v. A. R. Rahman (2025):** This case is about a dispute over the ownership and copyright of a song “Veera Raja Veera.” The Dagar family claimed that the song, rooted in traditional music, was used without proper acknowledgement, raising questions about the rights of traditional artists versus contemporary musicians.
- **Thaikkudam Bridge vs. Hombale Films (2022):** The Kerala-based band Thaikkudam Bridge alleged that the song “Navarasam” was plagiarized in the film “Kantara”. This case highlights the challenges faced by artists in protecting their original compositions against unauthorized use in commercial media.

II. Cultural Appropriation

- **Bharatnatyam by Non-Indian Performers:**

Instances where non-Indian dancers perform Bharatanatyam without understanding its cultural significance have sparked debates about cultural appropriation. Critics argue that such performances can dilute the art form and misrepresent its origins, emphasizing the need for respect and acknowledgment of the cultural context.

- **Western Adaptations of Indian Classical Music:** Some Western musicians have incorporated elements of Indian classical music into their works without proper attribution or understanding, leading to accusations of cultural appropriation. This raises concerns about the commodification of cultural heritage.

III. Benefit-Sharing Arrangements

- **Collaborative Projects:** Initiatives that involve partnerships between traditional artists and contemporary performers can create benefit-sharing models. For example, when a dance troupe collaborates with local communities to create performances based on traditional compositions, they facilitate the reinvestment of a portion of revenue into the community, thereby nurturing a sense of collective ownership and pride.
- **Cultural Festivals:** Events that celebrate Indian classical music and dance often include provisions for benefit-sharing, where a percentage of ticket sales is allocated to support local artists and cultural preservation efforts. This approach not only supports the artists but also promotes the sustainability of tradition art forms.

Therefore, it is evident that these case studies illustrate the complexities surrounding copyright, cultural appropriation, and benefit-sharing in Indian classical music and dance. They emphasize the significance of ethical conduct and the necessity of frameworks that honour and protect the rights of traditional artists while simultaneously encouraging cultural exchange.

The literature has identified several key gaps concerning traditional compositions

- **Effectiveness of Legal Mechanisms:** There’s a need to assess how various legal frameworks, like copyright and sui generis systems, protect traditional compositions across different cultures, particularly concerning communal ownership and specific Indian classical music and dance contexts.



- **Culturally Sensitive Benefit-Sharing Models:** A significant gap exists in developing benefit-sharing frameworks tailored to the unique needs, values, and social structures of communities, such as that of guru-shishya parampara in the realm of Indian classical music and dance, to ensure equitable compensation and recognition.

These gaps underscore the need for interdisciplinary research to develop more effective and respectful frameworks for traditional compositions.

To sum up, the literature reviewed, highlights the need for a comprehensive approach to protect Indian classical music and dance. This approach must address the limitations of existing IP frameworks, prioritize community rights and cultural integrity, and promote culturally sensitive benefit-sharing mechanisms. Future research should focus on the specific challenges faced by Indian classical music and dance and explore innovative solutions that balance the need for protection with the preservation of artistic freedom and cultural expression.

Research Methodology

This study's research approach entails a thorough review of the legal and ethical structures that govern the utilization of traditional compositions. This is achieved through a multi-faceted approach:

- A thorough review of existing literature on intellectual property, cultural heritage, and ethics.
- Examination of relevant legal documents, such as copyright laws, sui generis legislation, and international treaties.
- Case studies will be incorporated to illustrate the practical application of these frameworks, emphasizing recurring challenges and effective strategies. Examples will be selected from the realm of Indian classical music and dance, focusing on instances of copyright disputes, cultural appropriation, and benefit-sharing arrangements.
- It involves the use of different databases and also Online sites to access relevant scholarly articles, legal judgements, and policy documents.
- Ultimately, the research will consolidate insights from these diverse sources to offer a comprehensive grasp of the issues, proposing practical recommendations for strengthening legal safeguards and fostering ethical conduct in the use of traditional compositions.

- The study concludes with actionable recommendations for protecting Indian classical music and dance, including suggestions for legal reform, ethical guidelines, and community engagement strategies.

Discussion and Analysis

This discussion analyses the complex interplay of legal and ethical considerations surrounding traditional compositions, building upon the literature review's foundation. The review highlighted the inadequacy of existing frameworks in protecting these compositions and ensuring equitable benefit-sharing. This section will delve deeper into these shortcomings and propose potential solutions.

I. The Inadequacy of Current Legal Frameworks

Existing literature highlights a considerable disparity between the legal protections granted to traditional compositions and their distinctive characteristics. Traditional Intellectual Property (IP) laws, designed for individual authorship and originality, fall short when applied to collective, evolving compositions rooted in shared cultural heritage. The concept of sui generis protection offers a potential alternative, but its implementation and enforcement vary widely, highlighting the need for more robust, harmonized international standards. This deficiency is amplified by the absence of specific provisions within international agreements, such as the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, for Commercial Applications. Consequently, there is a pressing need for legal structures that recognize the shared ownership and dynamic essence of traditional compositions. Within Indian classical music and dance specifically, the Indian Copyright Act's shortcomings in addressing the collective spirit of compositions and the oral transmission of knowledge are particularly apparent.

II. Ethical Considerations: Beyond Legal Frameworks

Ethical considerations transcend the limitations of existing legal frameworks. The literature underscores the critical importance of (FPIC) as a cornerstone of ethical engagement with communities holding traditional knowledge. The absence of FPIC often leads to cultural appropriation, undermining the cultural integrity and potentially causing significant harm to the communities involved. Equitable benefit-sharing is equally crucial, moving beyond mere compensation to



encompass genuine participation and control over the use of traditional compositions. The commercialization of these compositions raises complex questions about commodification and the potential erosion of cultural value. A robust ethical framework must prioritize community autonomy and ensure fair and equitable benefits are realized. Thus, the lack of FPIC can result in the unauthorized use of music and dance compositions, dance forms, or traditional attire, leading to cultural insensitivity and potential exploitation.

III. Bridging the Gaps: Recommendations for Improved Practices

Addressing the identified gaps requires a multi-pronged approach. First, legal reforms are needed to develop more flexible and culturally sensitive legal instruments. This includes exploring alternative IP models that acknowledge collective ownership and dynamic aspects of traditional compositions. Second, strengthening international cooperation and harmonization of legal frameworks is essential to ensure consistent protection across jurisdictions. Third, ethical guidelines must be developed and implemented, emphasizing FPIC, equitable benefit-sharing, and respectful engagement with communities. This includes fostering collaborative relationships between researchers, commercial entities, and communities to ensure that the use of traditional compositions benefits all stakeholders. Recommendations include advocating for amendments to respective Copyright Acts to better address the collective nature of compositions, promoting the use of FPIC in performances and recordings, and establishing benefit-sharing mechanisms that provide financial and non-financial benefits to artists and communities.

IV. The Role of Technology

The digital era introduces both difficulties and possibilities. Technology facilitates the rapid dissemination of traditional compositions, increasing their accessibility but also making them more vulnerable to unauthorized use and appropriation. Research is needed to explore the role of technology in protecting traditional compositions while promoting their accessibility and ensuring fair use. This could involve exploring technological solutions like digital rights management systems tailored to the specific needs of traditional knowledge holders. Technology's role includes the use of digital platforms for performances, recordings, and online education, which requires careful consideration of copyright, licensing, and cultural sensitivity.

V. Existing Scholarly Discourse

The current body of research indicates substantial shortcomings in how intellectual property laws are applied to safeguard traditional cultural expressions. Scholars such as Cronin (2016) underscore the inadequacies of copyright law in addressing the collective nature of such expressions, which often lack individual authorship. As highlighted by Coelho (2015) and Posey & Dutfield (1996), the absence of robust legal protection can lead to misappropriation and the erosion of cultural heritage, emphasizing the need for culturally sensitive approaches. Dutfield (2000) further critiques the mismatch between copyright's emphasis on originality and the evolving, communal nature of traditional knowledge. These findings emphasize the critical necessity for alternative legal and ethical systems that focus on community stewardship, prior consent, and equitable distribution of benefits, as supported by Greaves (1994) and WIPO. The viewpoints from these academics are especially pertinent to protecting Indian classical music and dance, which frequently depend on oral traditions, collaborative artistry and the guru-shishya parampara.

Ultimately the analysis indicates that the effective protection of traditional compositions necessitates a holistic approach that integrates legal, ethical, and technological considerations. By addressing the shortcomings of existing frameworks and embracing collaborative, culturally sensitive strategies, one can create a more equitable and respectful environment for the preservation and use of this valuable cultural heritage. The insights gleaned from the reviewed literature underscore the critical need for continued research and the development of innovative solutions that prioritize community rights and cultural integrity in the protection of traditional cultural expressions. On a conclusive note, safeguarding Indian classical music and dance requires a multifaceted approach that combines legal reforms, ethical guidelines, and community engagement to ensure its continued preservation and responsible use.

Conclusion

In conclusion, safeguarding traditional compositions, in Indian classical music and dance requires addressing multifaceted challenges stemming from inadequate intellectual property (IP) laws. The Copyright Act, while offering some protection, struggles to fully address the nuances of traditional knowledge and cultural expressions, as highlighted by various case studies. These case studies reveal difficulties in enforcing copyright, rampant



cultural appropriation, and the urgent need for equitable benefit-sharing. Therefore, a holistic approach is crucial, combining legal reform with community engagement and collaborative initiatives. It is advised to adopt legal models influenced by international frameworks such as the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), integrating aspects of Sui generis protection for traditional knowledge. The application of FPIC (Free, Prior and Informed Consent) is of utmost importance. This involves obtaining explicit consent from communities before any commercial use or adaptation of their music or dance compositions, with transparent agreements outlining benefit-sharing mechanisms. For example, a percentage of profits from recordings or performances could be directly allocated to the community, or collaborative projects could be established, ensuring shared creative input and financial gains. Fostering community engagement requires establishing platforms for dialogue, creating educational programs to raise awareness about IP rights, and supporting community-led initiatives for documentation and preservation. This includes digitizing traditional scores, recording oral histories, and creating accessible archives. Beneficial collaborations could involve partnerships between traditional artists, contemporary musicians, educational institutions, and government agencies to promote ethical use and preservation. Ultimately, a multi-faceted approach combining legal reform, community engagement, and collaborative initiatives is essential to safeguard this invaluable cultural heritage.

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