
JINGRWAI LAWBEI IN MEGHALAYA: A DISTINCTIVE INTANGIBLE HERITAGE UNDER LEGAL PROTECTION

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ABSTRACT

Jingrwai Lawbei (also called Jingrwai lawbei), a whistled lullaby-name system native to Kongthong village in Meghalaya, symbolises a profound legacy of intangible cultural traditions. In this practice, each newborn is designated with a unique melody or “caller-tune” composed by the mother; this tune becomes the name of person and is used in daily interaction and over distances. Rooted in the matrilineal social structure of Khasi, Jingrwai Lawbei not only testifies individual identity but also clan lineages and collective memories are embodied in it. The approximate population of village is 700 people who maintain this tradition despite pressures from migration, changing lifestyle and modernization. Nation-wide, India has started acknowledging this practice through central and state cultural bodies. The village has been nominated for the United Nations World Tourism Organization’s “Best Tourism Village” and has received the “Best Tourism Village (Bronze)” award in the National Tourism Awards 2023, in part due to the traditional and heritage value of Jingrwai Lawbei. Legislative and policy frameworks, such as participation of India in United Nations Educational, Scientific and Cultural Organization (UNESCO) 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (ICH), provide opportunities for protection, documentation, and education. However, Jingrwai Lawbei has not yet been included in the representative List of ICH, and formal legal recognition under national intangible heritage law remains limited. Internationally, there are examples for similar traditions being recognized. Whistled languages such as Silbo Gomero in the Canary Islands (Spain) and the “bird language” of Turkey have been inscribed under UNESCO’s intangible heritage listings. These examples provide models for how Jingrwai Lawbei could gain international recognition, including through nomination portfolios, community participation, safeguarding measures, and inclusion in education systems. The key challenges include documentation of melodic forms which are non-verbal, highly personalized, transmission across generations especially as younger people migrate, lack of formal education in the practice, and risk of external influence. To safeguard Jingrwai Lawbei adequately, national policy must incorporate comprehensive legal protection, combine it into curricula, support

community-led archives, and prepare nomination for UNESCO listing. International cooperation and assistance under UNESCO conventions could further help in preserving this unique legacy as part of humanity's intangible heritage.

Keywords: whistling, intangible, cultural, heritage, legal perspective.

INTRODUCTION:

“The composition of the melody comes from the bottom of my heart ... It expresses my joy and love for my baby.” — Pyndaplin Shabong, a mother in Kongthong, speaking about the melodic name given to her child under the practice of Jingrwai Lawbei.¹ Jingrwai Lawbei means "Song of the first woman" or "song in honour of the root ancestress" in the Khasi language it distinctively notable. Kongthong village of Meghalaya, India is home to this tradition, has acknowledged national and international attention for sustaining this oral and musical form of identity. The village was nominated for the United Nations Educational, Scientific and Cultural Organization (UNESCO) Intangible Cultural Heritage list and has been featured in various documentaries and cultural studies. The Government of India has also promoted the village under its “Ek Bharat Shreshtha Bharat” initiative, recognizing it as a cultural heritage site.²

Though officially not recognised by UNESCO, the only whistling language which is considered as intangible cultural heritage, in India “Jingrwai Lawbei”, is spoken by approximately 700 people of Kongthong is located in the East Khasi Hills district, Meghalaya. The people of this village are small in number, but they are vigilant towards the importance of their unique way of communication which sounds like folklore and makes effort to preserve the same through passing down orally from one generation to another and conserve their intangible heritage in future.³ Similar Whistling languages are rare but exist in other part of the world too, such as Silbo Gomero from the Canary Islands (Spain) – a recognized UNESCO

¹ Pyndaplin Shabong, In This Meghalaya's Singing Village, Everyone Has A Musical Name, 2018, available at <https://www.ndtv.com/india-news/in-this-meghalayas-singing-village-everyone-has-a-musical-name-1918317> (last visited on August 04, 2025)

² “Ek Bharat Shreshtha Bharat”, Ministry of Education, India available at <https://ekbharat.gov.in/> (last visited on August 05, 2025)

³ Kongthong- The Whistling Language of Meghalaya, Government of India, available at <https://indianculture.gov.in/snippets/kongthong-whistling-village-meghalaya> (last visited on 05/08/2025)

heritage and Whistled Turkish in the village of Kuşköy.⁴⁵

OVERVIEW:

The Intangible cultural heritage means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.⁶ This intangible cultural heritage, transmitted from generation to generation, is incessantly recreated by communities and groups in feedback to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. Thus, one of the domain of "intangible cultural heritage" is oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; thus this convention aims to "Safeguarding" and ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.⁷ The role of states parties that each state party shall at national level take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory with the participation of communities, groups and relevant non-governmental organizations.⁸

It is through language that oral traditions and expressions which include proverbs, riddles, tales, nursery rhymes, legends, myths, epic songs and poems, charms, prayers, chants, songs, dramatic performances and more are passed on from one generation to the next. With more and more emphasis laid on globalization and the digitalization of the languages of the indigenous people, having no storage in archives or depositories are on the verge of extinction worldwide. It is learnt that when language plays an important role in defining cultural or ethnic identity, it

⁴ Whistled language Türkiye, UNESCO Intangible Cultural Heritage, available at <https://ich.unesco.org/en/USL/whistled-language-00658> (last visited on August 06, 2025)

⁵ Whistled language of the island of La Gomera (Canary Islands), the Silbo Gomero, UNESCO Intangible Cultural Heritage, available at <https://ich.unesco.org/en/RL/whistled-language-of-the-island-of-la-gomera-canary-islands-the-silbo-gomero-00172> (last visited on August 06, 2025)

⁶ Text of the Convention for the Safeguarding of the Intangible Cultural Heritage, art.2, UNESCO Intangible Cultural Heritage, available at <https://ich.unesco.org/en/convention> (last visited on August 07, 2025)

⁷ *ibid*

⁸ Text of the Convention for the Safeguarding of the Intangible Cultural Heritage, art.11, UNESCO Intangible Cultural Heritage, available at <https://ich.unesco.org/en/convention> (last visited on August 07, 2025)

is referred to as ethnolinguistic identity.⁹ Like other forms of intangible cultural heritage, the survival of some modes of communication is threatened by rapid metropolitan growth, industrialisation, large-scale migration and environmental transition. The north-eastern states are settled by a number of native tribes which have their own distinct tradition, art and culture. Many smaller folk and tribal practices, rituals, performing arts, etc., in Arunachal Pradesh, Assam, Meghalaya, Tripura, Nagaland etc. often nominated in the National List.¹⁰ The National List maintained by Ministry of Culture includes several elements from the Northeast under categories such as performing arts, oral traditions, etc.¹¹ UNESCO & Royal Enfield's Great Himalayan Exploration project has also been documenting intangible heritage in Northeastern states such as customs, local knowledge, crafts etc.¹² Consequently, it is observed that minimal has been done by the Government of India to save unique language, a part of cultural heritage like "Jingrwai Lawbei" of Meghalaya.

When it comes to "Jingrwai Lawbei", India has legal frameworks, policies, and international commitments that contribute to the protection of Intangible Cultural Heritage (ICH), though there is no single, comprehensive law dedicated exclusively to it. Instead, the protection is indirectly provided through a combination of laws, schemes, and international conventions and sustainable development goals. In the modern era, documenting such language is need of hour before it is perpetually gone away.

Whistling language is a method of communication where with the help of fingers, tongue, teeth, lips and cheeks, the whistle sound is produced to stimulate and articulate words.¹³ The causes of development of such languages are ecology system of a particular region where the necessity develops for human to communicate in conditions of relatively isolation, steep mountains and rugged requires topography of the region, where the local people have to find an alternative way to communicate across the long distance of typically 1 to 2 kilometres, up-to 5 kilometres

⁹Josiane F. Hamers, Michel Blanc, *Bilinguality and Bilingualism*, Cambridge University Press, 17 Feb 2000, available at

https://books.google.co.in/books/about/Bilinguality_and_Bilingualism.html?id=ata9IBT5euwC&redir_esc=y (last visited on August 08, 2025)

¹⁰ National List for Intangible Cultural Heritage (ICH), Ministry of Culture, Government of India, available at <https://www.indiaculture.gov.in/national-list-intangible-cultural-heritage-ich> (last visited on August 10, 2025)

¹¹ *ibid*

¹² UNESCO and Royal Enfield announce the Great Himalayan Exploration to Discover the Intangible Cultural Heritage of India, UNESCO, available at <https://www.unesco.org/en/articles/unesco-and-royal-enfield-announce-great-himalayan-exploration-discover-intangible-cultural-heritage> (last visited on August 11, 2025)

¹³ Bob Holmes, Knowable, More Than 80 Cultures Still Speak in Whistles, available at <https://www.smithsonianmag.com/science-nature/studying-whistled-languages-180978484/> (last visited on August 11, 2025)

in mountains and less in reverberating forests than ordinary speech without strain.¹⁴ Nature, valleys, landscape, lush green and dense forests Inter-twined with each villager, their livelihood mainly depends on agriculture, forest products, honey harvesting, animal husbandry, craftsmanship, constructing living root bridges from fig trees among others, with minimal population, Kongthong is located in the East Khasi Hills district around 65 kilometres from the capital city of Meghalaya, an isolated and peaceful place.¹⁵ This village is famous for one of its unique tradition, culture and heritage known as “Jingrwai Lawbei”, a tonal indigenous language/ the whistled calling-tunes for which this village is also popularly known as “Whistling Village” or “Singing Village” of Meghalaya because Khasi people residing here uses whistling language as folklore as well as to communicate with each other.¹⁶ Though not recognised internationally and nationally, this musical way of communication is exceptional and rare, unparalleled with any verbal languages. The Government of India does recognise the tourism importance of this village, of which whistle language is a part of its attraction and efforts are made by them as well as vigilant community of Kongthong village for its international recognition whether it may be in respect of conservation of the Intangible Cultural Heritage, status for “Jingrwai Lawbei” language practice as a part of their tradition or boosting its tourist attraction.¹⁷ However, the results of their efforts are still awaited.

It is believed that the early ancestors of Kongthong village developed “Jingrwai Lawbei” musical language due to geographical isolation of this village and keep away the evil spirits from them.¹⁸ The tradition is linked to the matrilineal society of the Khasis, with each tune dedicated to the root ancestress of the clan. Being an isolated remote area, the electricity reached here in the year 2000 only and the motorable roads of this village were constructed in 2013 as prior to 2013, the only way to reach in this village was 8 to 10 kilometres trekking which takes 3-5 hours in Kongthong village.¹⁹ These community considers “Jingrwai Lawbei” language practise as a key reflection of their cultural activities which reinforce inter-personal communication and solidarity. The people of Kongthong village are actively practising this

¹⁴ *ibid*

¹⁵ *Supra* note 3 at 1

¹⁶ *ibid*

¹⁷ Bikash Singh, Meghalaya's Kongthong village bags 'Best Tourism Village (Bronze)' award, Sep 28, 2023, available at https://economictimes.indiatimes.com/news/india/meghalayas-kongthong-village-bags-best-tourism-village-bronzeaward/articleshow/103997387.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (last visited on August 12, 2025)

¹⁸ East Khasi Hills Khat-ar-shnong, Kongthong, Meghalaya Tourism, available at <https://www.meghalayatourism.in/destinations/khat-ar-shnong-kongthong/> (last visited on August 12, 2025)

¹⁹ *ibid*

age-old tradition, the origin of which they believe since time immemorial and as old as the village is, each villager is conscious about this valuable tradition and each of them have different “tune name” till death. The living, oral tradition of this community is testimony of the folk wisdom that is handed down from one generation to another just by words of mouth or orally. This musical tunes/folklores/way of communication is not written down, documented or archived till date. These intangible element of culture reflects the uniqueness in community life and livelihood. The “tune name” has two versions, a long and a short. The villagers believe that the tradition of “Jingrwai Lawbei” helps mother to express her heartfelt love and care for the newborn child as the song is composed by the mother within the few weeks of birth of her child.²⁰ Over the time, this short tune name becomes the lifelong identity of that person as relevant as finger-prints of a person, which dies only with the death of that particular person.²¹ Each villagers have their own unique tune as their identity, different from one another respectively. The song or tune has no lyrics from beginning to end. When the parents want to call out their children, they use only initials or short tunes while the longer version tune, the complete tune is used outdoors in the fields or forests. However, with the advancement of technologies there is laying danger in fall of use of such languages if the young generations find it of no more use. Hence, both international as well as national recognition is necessary to protect and preserve such indigenous languages and intangible cultural heritage.²²

Whistle language, while not legally codified in the traditional juristic sense, are recognised as a form of communication with legal implications particularly in areas like cultural heritage and intellectual property. They are not merely codes and signals but rather a modification of spoken language where words are transformed into whistled melodies. This transformation preserves linguistic structure of the original language, allowing for communication at a distance.

More than 80 whistled languages are found till date such as in Africa, Cameroon: Gbaya, Mofu, in America, United States: Yupik in Alaska Taos, in Asia, India: Kongthong village of Meghalaya, Europe: Greece: (village of Antia on the island of Euboea): Sfyria, in Oceania, New Guinea: Yopno etc.²³

In 2019, Rajyasabha Member of Parliament from Bihar, Mr. Rakesh Sinha adopted Kongthong

²⁰ *ibid*

²¹ *ibid*

²² *Supra* note 3 at 1

²³ *Supra* 14 at 4

village of Meghalaya and suggested a UNESCO Intangible Cultural Heritage tag for the village.²⁴ The Government of India is trying to obtain the UNESCO Intangible Cultural Heritage status for the village, subsequently in 2021, the Ministry of Tourism selected Kongthong village UNTWO's (The World Tourism Organisation) as "Best Tourism Villages" award along with two other villages in India, however, at international level it is yet to be succeed and these community people are vigilantly trying their best to get the esteemed tag for their village in order to boost tourism.²⁵ At National level, this village won as "Best Tourism Village) bronze award at National Tourism Award, 2023.²⁶

The Kongthong village have low literacy rate of 69.33 percent as compared to 74.43 percent of Meghalaya as per 2011 census. One of the reasons of low education rate is lack of proper educational infrastructure and facilities due to which the children have to move out of village to get education and hence the use of dominating language i.e. Khasi by them outside their village may affect their practise of whistling tunes as a part of communication.²⁷ The villagers who have concerns for the survivability of their unique tradition of "Jingrwai Lawbei" language, have been demanding an upgrade of the school to higher classes and teaching of the whistling language in the school. "Silbo German" whistling language in Canary Island with total population of 22,000 practitioners and Turkish Bird Language (Kuşk y) with 10,000 practitioners are taught in the school and both were recognised by UNESCO Intangible Cultural Heritage in 2013 and 2017 respectively. Whereas, "Jingrwai Lawbei" with seven hundred practitioners are not included in the syllabus of school, thus causing concern for its conservation. Dr. Piyasi Dutta, published research on "Jingrwai Lawbei" highlighted the challenges in documenting these whistling tunes as it is without the lyrics and proper musical scale.²⁸ Thus, this language is passed from one generation to another in the context of parent-child relations through informal methods.

²⁴ Kongthong is my village, says MP, The Shillong Times, August 17, 2020, available at <https://theshillongtimes.com/2020/08/17/kongthong-is-my-village-says-mp/> (last visited on August 13, 2025)

²⁵ Intangible Cultural Heritage of India Beyond Monuments and Landscapes, Ministry of Culture, Research Unit, Press Information Bureau, Government of India, July 15, 2024 available at <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2024/jul/doc2024716350101.pdf> (last visited on August 13, 2025)

²⁶ *ibid*

²⁷ Kongthong, Villageinfo, available at <https://villageinfo.in/meghalaya/east-khasi-hills/khatarnong-laitkroh/kongthong.html#:~:text=> (last visited on August 13, 2025)

²⁸ Piyashi Dutta and Kedilezo Kikhi, Folk Practices of the Khasi Tribe: A Description of Jingrwai Iawbei in Kongthong Village, Sociological Bulletin, Vol. 65, No. 2 (May - August 2016), pp. 237-252, Sage Publications, Ltd. Available at <https://www.jstor.org/stable/26368036> (last visited on August 14, 2025)

LEGAL MEASURES:

UNESCO established its Lists of Intangible Cultural Heritage with the aim of ensuring better protection of important intangible cultural heritages worldwide and the awareness of their significance.²⁹ This list is published by the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, the members of which are elected by State Parties meeting in a General Assembly.³⁰ Through a compendium of the different oral and intangible treasures of humankind worldwide, the programme aims to draw attention to the importance of safeguarding intangible heritage, which UNESCO has identified as an essential component and as a repository of cultural diversity and of creative expression.³¹

UNESCO's list of intangible cultural heritage from India includes fourteen examples (all are intangible cultural heritage). “Jingrwai Lawbei” is not included in this list. However, similar languages in the world are included in it.

The inclusion of new heritage elements in UNESCO's lists of intangible cultural heritage is determined by the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage established by the convention.³² In India, Ministry of Culture is charged with preservation, promotion and dissemination of culture of India. India has been added to the list for the first time in 2008 (at that time total three examples were added).³³

The Convention for the Safeguarding of the Intangible Cultural Heritage recognizes the ‘importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development’.³⁴ The 2030 Agenda for Sustainable Development constitutes a plan of action addressing the three dimensions – economic, social and environmental – of sustainable development through 17 Sustainable Development Goals as highly interdependent spheres of action that inform development pathways at all levels, and respecting the three fundamental principles of human rights, equality, and sustainability. Intangible cultural heritage can effectively contribute to sustainable development along each

²⁹ *ibid*

³⁰ *ibid*

³¹ *ibid*

³² *ibid*

³³ The National List of Intangible Cultural Heritage (ICH), Ministry of Culture, Government of India, available at <https://www.indiaculture.gov.in/national-list-intangible-cultural-heritage-ich> (last visited on August 14, 2005)

³⁴ *ibid*

of its three dimensions, as well as to the requirement of peace and security as fundamental prerequisites for sustainable development.³⁵

Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the twenty-three rights to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.³⁶

World Intellectual Property Organization (WIPO) provides that traditional cultural expressions, often the product of inter-generational and fluid social and communal creative processes, reflect and identify a community's history, cultural and social identity, and values. While lying at the heart of a community's identity, cultural heritage is also 'living' – it is constantly recreated as traditional artists and practitioners bring fresh perspectives to their work.³⁷ Tradition is not only about imitation and reproduction; it is also about innovation and creation within the traditional framework.³⁸ Therefore, traditional creativity is marked by a dynamic interplay between collective and individual creativity. From an intellectual property perspective, in this dynamic and creative context it is often difficult to know what constitutes independent creation.³⁹

In 1982, an expert group convened by WIPO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) developed a sui generis model for the intellectual property type protection of Traditional Cultural Expressions: the WIPO-UNESCO Model

³⁵ Transforming our world: the 2030 Agenda for Sustainable Development, Department of Economic and Social Affairs, United Nations, available at <https://sdgs.un.org/2030agenda> (last visited on August 15, 2025)

³⁶ UN Declaration on the Rights of Indigenous Peoples, art.31, Office of the High Commissioner for Human Rights, September 13, 2007, available at <https://www.ohchr.org/en/indigenous-peoples/un-declaration-rights-indigenous-peoples> (last visited on August 16, 2025)

³⁷ Traditional Cultural Expressions, WIPO, available at <https://www.wipo.int/en/web/traditional-knowledge/traditional-cultural-expressions/index> (last visited on August 17, 2025)

³⁸ *ibid*

³⁹ *ibid*

Provisions, 1982.⁴⁰ An understanding of the intangible cultural heritage of different communities helps with intercultural dialogue, and encourages mutual respect for other ways of life. Hence, adopting such model at national level is need of hour.

The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage provides guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage.⁴¹ The Committee is also in charge of granting international assistance. The Committee examines requests submitted by States Parties for the inscription of intangible heritage on the Lists as well as proposals for programmes and projects.⁴² The Committee meets annually to evaluate nominations proposed by States Parties to the 2003 Convention and decide whether or not to inscribe those cultural practices and expressions of intangible heritage on the Convention's Lists. So far, 730 elements corresponding to 5 regions and 145 countries have been listed as Intangible Cultural Heritage. India has 14 elements included in this prestigious list, all of which are part of the Representative List of the Intangible Cultural Heritage of Humanity.⁴³ "Jingrwai Lawbei" is yet to be included in this list respectively.

In Indian framework, Article 29(1), Constitution of India 1950 says that any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.⁴⁴ Similarly, Article 51A(f) in Constitution of India provides for to value and preserve the rich heritage of our composite culture.⁴⁵

Composite culture encapsulates the idea that cultures are not static or isolated; instead, they evolve and thrive through interaction, exchange, and assimilation. It is a testament to the shared experiences, values, traditions, and customs that emerge when different cultural groups come

⁴⁰ Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and other Forms of Prejudicial Action, 1982, UNESCO, WIPO, available at <https://www.wipo.int/wipolex/en/text/186459> (last visited on August 17, 2025)

⁴¹ *ibid*

⁴² *ibid*

⁴³ Browse the Lists of Intangible Cultural Heritage and the Register of good safeguarding practices, UNESCO Intangible Cultural Heritage, available at <https://ich.unesco.org/en/lists> (last visited on August 17, 2025)

⁴⁴ Constitution of India, Legislative Department, Government of India, available at <https://legislative.gov.in/constitution-of-india/> (last visited on August 18, 2025)

⁴⁵ *Ibid*

together and interact.⁴⁶

The Ministry of Culture formulated a Scheme titled ‘Safeguarding the Intangible Cultural Heritage and Diverse Cultural Traditions of India’ is being implemented by the Ministry of Culture with the objective of reinvigorating and revitalizing various institutions, groups, individuals, non-government organisations, researchers and scholars so that they may engage in activities/ projects for strengthening, protecting, preserving and promoting the rich intangible cultural heritage of India.⁴⁷ The scheme is being implemented through Sangeet Natak Akademi, an autonomous organisation under the Ministry of Culture. The Scheme will cover all recognized domains of Intangible Cultural Heritage (ICH) such as oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, performing arts, social practices, rituals and festive events, Knowledge and practices concerning nature and the universe, traditional craftsmanship etc.⁴⁸

The Government of India has set up seven Zonal Cultural Centres (ZCCs) in the country with headquarters at Patiala (Punjab), Nagpur (Maharashtra), Udaipur (Rajasthan), Prayagraj (Uttar Pradesh), Kolkata (West Bengal), Dimapur (Nagaland) and Thanjavur (Tamil Nadu) to protect, promote and preserve various forms of folk art & culture throughout the country and also to set up mechanism for development of the cultures of various regions. With one of the main objectives to involve youth in creative cultural communication and lay special emphasis on the linkages between different areas and their contribution to Indian culture.⁴⁹

When it comes to statutory framework, India does have few legislative acts which works on intangible cultural heritage. The Jammu And Kashmir Heritage Conservation And Preservation Act, provides for conservation and preservation of heritage both tangible and intangible, including buildings, structures, monuments, precincts, areas/sites, artifacts, sculptures, paintings, handicrafts, manuscripts etc. and music, dance, drama, performing arts, poetry, living traditions like crafts and cuisine, traditional knowledge systems, folklores, spiritual traditions; respectively of historic or cultural or religious or aesthetic or architectural or

⁴⁶ Composite Culture, 2023, available at <https://traditionsandcultures.com/what-is-composite-culture/> (last visited on August 18, 2025)

⁴⁷ Scheme for “Safeguarding the Intangible Cultural Heritage and Diverse Cultural Traditions of India”, Ministry of Culture, Government of India, available at <https://www.indiaculture.gov.in/scheme-safeguarding-intangible-cultural-heritage-and-diverse-cultural-traditions-india> (last visited on August 18, 2025)

⁴⁸ *ibid*

⁴⁹ Zonal Cultural Centres, Ministry of Culture, Government of India, November 25, 2024, available at <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2076962> (last visited on August 19, 2025)

environmental significance and for matters connected therewith or incidental thereto.⁵⁰ Intangible Heritage means those aspects of culture that are non-material and abstract like music, dance, drama, poetry, living heritage like traditional crafts and cuisine and knowledge systems, folklore, spiritual traditions like yoga and Sufism, etc.⁵¹ A bill was introduced by Shri Kunwar Pushpendra Singh Chandel, M.P. to constitute a Board for promotion and protection of intangible cultural heritage of the country.⁵² The bill says that Intangible cultural heritages have been existing in India since ancient times and they are a part of our mixed culture.⁵³ Our nation has vibrant variations, ways of such heritage and a co-existence of various heritages after many adjustments due to various upheavals in the country.⁵⁴ The bill is still pending.

Few documentary films, academic and ethnographic studies are made on Kongthong village and its intangible cultural heritage such as a 2016 documentary film titled "My Name Is Eeooow"—directed by Oinam Doren—focuses on the whistling naming tradition of Kongthong village. This 52-minute film chronicles the practice and even highlights its uncertain future.⁵⁵ Notably, it won the Intangible Culture Prize at the 15th RAI Film Festival in Bristol in 2017.⁵⁶ Piyashi Dutta, first documented the practice in an academic paper titled "Folk Practices of the Khasi Tribe: A Description of Jingrwai Iawbei in Kongthong Village," published in the Sociological Bulletin in 2016.⁵⁷ Additionally, an ethnographic study titled "Integrating indigenous knowledge and rural tourism in Kongthong village, the 'whistling village' of India" provides insight into how this cultural tradition interplays with rural tourism and local development.⁵⁸ The Departments of Arts & Culture and Tourism in Meghalaya have

⁵⁰ The Jammu and Kashmir Heritage Conservation and Preservation Act, 2010 (Act XV of 2010), J'MMU & KASHMW GOVERNMENT GAZETTE Vol. 1731, the 29th April, 1932 available at https://prsindia.org/files/bills_acts/acts_states/jammu-and-kashmir/2010/2010J&K15.pdf (last visited on August 20, 2025)

⁵¹ The Jammu and Kashmir Heritage Conservation and Preservation Act, 2010 (Act XV of 2010), s.2(p) J'MMU & KASHMW GOVERNMENT GAZETTE Vol. 1731, the 29th April, 1932 available at https://prsindia.org/files/bills_acts/acts_states/jammu-and-kashmir/2010/2010J&K15.pdf (last visited on August 20, 2025)

⁵² Shri Kunwar Pushpendra Singh Chandel, The Promotion And Protection Of Intangible Cultural Heritage Bill, 2019, (Bill No. 36 Of 2019), available at: <https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/304LS%20As%20Int....pdf?source=legislation> (last visited on August 20, 2025)

⁵³ Ibid

⁵⁴ Ibid

⁵⁵ 'My name is Eeooow' bags 2nd international award, available <https://www.manipur.org/news/2017/09/03/my-name-is-eeooow-bags-2nd-international-award/> (last visited on August 22, 2025)

⁵⁶ Ibid

⁵⁷ Supra 29 at 8

⁵⁸ Saurabh Kumar Dixit, Kimberley Langstieh, et.al. (ed), "Integrating indigenous knowledge and rural tourism in Kongthong village, the 'whistling village' of India", volume 15, issue 1, 2022, available at <https://www.emerald.com/whatt/article-abstract/15/1/41/385445/Integrating-indigenous-knowledge-and-rural-tourism?redirectedFrom=fulltext> (last visited on August 23, 2025)

taken strategic moves to preserve Jingrwai Lawbei by organizing cultural festivals, initiating documentation projects, and acknowledging local custodians for their role in safeguarding this unique oral tradition.⁵⁹ The copyright can be obtained on some kind of films, published research papers, books, expressions, phrases, musical tunes, melodies and tones etc. if the musical tunes of a language are recorded properly, it can be documented and archived.⁶⁰

Thus, few suggestions are made to fill the gap found in this research paper such as developing sui generis legislation to create specific laws that recognize and protect traditional cultural expressions (TCEs) independently of the existing intellectual property framework,⁶¹ introduce awareness and capacity-building programs, educational programs about the importance of protecting TCEs and provide training for communities on legal rights, sustainable practices.⁶² Community-led initiatives encouragement for the formation of community groups that document, manage, and promote TCEs is required, implementation of training programs for local communities by State Governments on intellectual property rights will help them to protect their cultural heritage effectively. The Convention for the Safeguarding of the Intangible Cultural Heritage also suggests safeguarding measures for development and promotion of the intangible cultural heritage present in its territory of its party states through formulation of general policies, planning programmes, establish competent bodies, fostering scientific, technical and artistic studies, as well as research methodologies, establishing documentation institutions for the intangible cultural heritage and facilitating access to them, Education, awareness-raising and capacity-building, participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.⁶³ The Government of India must sanction funds for such research works and bring up projects so that proper results can be derived at. This work is purely doctrinal in nature and this paper encourages further empirical work on such cultural heritage in India.

⁵⁹ Department of Arts and Culture, Government of Meghalaya, available at <https://megartsculture.gov.in/welcome.htm> (last visited on August 24,2025)

⁶⁰ The Copyright Act, 1957 Act No. 14 Of 1957, June 4, 1957, available at <https://copyright.gov.in/documents/copyrightrules1957.pdf> (last visited on August 24,2025)

⁶¹ Aishwarya Lakhe, Need Of Sui-Generis Systems In IP Protection, available at <https://www.legalserviceindia.com/legal/article-9989-need-of-sui-generis-systems-in-ip-protection.html> (last visited on August 25,2025)

⁶² Ibid

⁶³ Text of the Convention for the Safeguarding of the Intangible Cultural Heritage, 2003, art. 13, 14 and 15, UNESCO Intangible Cultural Heritage, available at <https://ich.unesco.org/en/convention> (last visited on August 30, 2025)