

## THE FUTURE OF INDIAN FOLKLORE: A MULTI-FACETED APPROACH TO PRESERVATION AND REVITALIZATION

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### ABSTRACT

This study examines the current obstacles and possibilities related to the conservation and revitalisation of Indian folklore, which is an essential part of the country's intangible cultural legacy. By examining legal, educational, digital, and community-based aspects, it takes a qualitative, multifaceted approach to comprehend the reasons for folklore's decline and the means in which it might be preserved. While digital platforms, culturally sensitive education, and legal frameworks offer promise pathways for regeneration, the study finds that intergenerational alienation, urbanisation, and a lack of institutional support contribute to its degradation. The study highlights that preserving folklore for future generations requires a legally sanctioned and culturally aware approach.

**Keywords:** Indian folklore, cultural heritage, legal protection, digital preservation, community participation, intangible heritage

### INTRODUCTION

The foundation of the nation's rich cultural legacy is Indian folklore, a large repository of oral traditions, myths, stories, songs, dances, and rituals. Folklore, which has its roots in the daily lives of communities throughout, captures social values, indigenous knowledge systems, linguistic diversity, and historical memory. However, many of these ancient customs are in danger of being lost or eroded due to the speed at which modernisation, globalisation, and the homogenising power of digital media are occurring. Intangible legacy is gradually disappearing as younger generations become more and more cut off from these cultural narratives.

Folklore, which is also known as traditional cultural expressions (TCEs), includes a diverse array of creative manifestations such as oral traditions, music, dance, rituals, narratives, customs, and visual arts that are deeply connected to community heritage. As stated by UNESCO (2003), folklore encompasses: "the practices, representations, expressions, knowledge, and skills that communities, groups, and, in some cases, individuals recognize as part of their cultural heritage."

In a similar vein, the World Intellectual Property Organization (WIPO) characterizes folklore as: "a group-oriented and tradition-based creation of groups or individuals reflecting the expectations of the community as an adequate expression of its cultural and social identity."

Defining folklore is akin to trying to grasp water with your hands—it is fluid, shared among communities, and perpetually evolving. While individual artists create books or paintings, folklore exists in the shared memory of communities. It's passed down orally, adapted over time, and shaped by shared experiences. This makes it affluent, but also immensely difficult to define in legal or academic contexts.

A major difficulty is cultural sensitivity. A lot of folk traditions are entrenched in religious beliefs, rituals, or sacred practices. Without the proper context, documenting or commercializing them can inadvertently violate sacred boundaries, offend communities, or result in misrepresentation. A story that seems like a benign legend to one group could possess profound spiritual significance for another.

Traditional copyright laws, such as the Indian Copyright Act, 1957, are designed to protect works that are fixed, original, and individually authored. This poses a fundamental mismatch when applied to folklore, which is communal, orally transmitted, and intergenerationally shaped. Copyright regimes require identifiable authorship and fixed duration, neither of which aligns with the fluid, ancestral, and collectively held nature of folklore.

As a response, many countries have developed *sui generis* systems—customized legal mechanisms tailored to protect the unique characteristics of traditional knowledge and folklore. For example:

1. Kenya adopted the Protection of Traditional Knowledge and Cultural Expressions Act (2016), which recognizes community rights and mandates prior informed consent for commercial use.
2. Ghana created a National Folklore Board under its Copyright Act (2005), which acts as a trustee to manage and protect the country's folklore.
3. Panama's Law No. 20 (2000) protects indigenous knowledge and folklore through collective intellectual property rights registered at the national level.

These systems go beyond copyright by ensuring community consent, benefit-sharing, and moral rights, providing a model India could emulate to bridge the current legal gaps in folklore protection.

India's dedication to conserving its cultural legacy stems from both its constitutional vision and its many customs. While Article 51A(f)<sup>1</sup> of the Indian Constitution imposes a basic obligation on all citizens to cherish and nurture the rich legacy of the nation's composite culture, Article 29 of the Constitution safeguards the rights of any segment of the population to preserve their unique language, script, or culture. The case of *Bijoe Emmanuel v. State of Kerala* (1986)<sup>2</sup>, in which the Supreme Court highlighted the protection of individual cultural expression as a component of fundamental rights under Article 19(1)(a) and Article 25, significantly influenced the legal discourse surrounding cultural rights.

India's need to protect oral traditions, performing arts, social customs, and rituals is further reinforced on a global scale by its acceptance of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>3</sup>. Any discussion about the future of Indian folklore must be grounded in these constitutional and international mandates, which emphasise that preservation is both a legal necessity and a cultural obligation.

### Reference to the Indian Copyright Act, 1957

In the Indian legal landscape, folklore has not received adequate direct protection under existing intellectual property laws. While the Indian Copyright Act, 1957 serves as the principal legislation governing rights over creative works, it poses significant limitations when applied to folklore. This is primarily because the Act is structured around the protection of **individual authorship**, duration of copyright, and clear attribution—criteria that traditional cultural expressions like folklore often do not meet.

Section 2 of the Copyright Act does not explicitly recognize oral traditions or community-owned works, which are typical of folklore. Furthermore, the Act lacks a *sui generis* provision that could address the collective, intergenerational ownership of folklore by indigenous or local communities.

Scholars and legal experts have long argued for the need to amend the Act to include a chapter on Traditional Cultural Expressions (TCEs), enabling communities to assert their rights over their

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<sup>1</sup> Article 51A(f) of the Indian Constitution states that *it is the duty of every citizen to value and preserve the rich heritage of our composite culture. This duty is part of the Fundamental Duties, which were added to the Constitution by the 42nd Amendment Act, 1976*

<sup>2</sup> *Bijoe Emmanuel v. State of Kerala*, AIR 1986 SC 748.

<sup>3</sup> UNESCO. (2003). *Convention for the safeguarding of the intangible cultural heritage*. United Nations Educational, Scientific and Cultural Organization

folklore. Without this recognition, folklore is vulnerable to misappropriation, especially in digital and commercial spaces.

## AIMS AND OBJECTIVES

**The aim of the research is to** investigate and assess the opportunities and difficulties in reviving and conserving Indian folklore through community-based, digital, educational, and legal approaches, with an emphasis on creating long-lasting and culturally aware solutions for coming generations. Hence the aim of the objective is as follows ;

1. To examine how legal frameworks contribute to the preservation of folklore as a component of intangible cultural assets.
2. To investigate the ways in which cultural curricula and educational reforms can facilitate the generational transmission of folklore.

## LITERATURE REVIEW

The vulnerability of oral traditions in the face of modernisation and globalisation has long been highlighted by academics like A.K. Ramanujan (1991)<sup>4</sup>. Folklore transmission between generations has been undermined by urbanisation, migration, and the growing inclination for digital entertainment, especially in rural and tribal cultures (Dharwadker, 2003)<sup>5</sup>. Cultural memory has also been fragmented as a result of communities being uprooted by environmental degradation and economic

development initiatives (Narayan, 2004)<sup>6</sup>. Furthermore, standardised, globalised curricula that marginalise regional languages and cultural content are frequently prioritised by India's formal education systems, which discourages the transmission of indigenous folklore traditions (Patel, 2010)<sup>7</sup>. Further, the decline in native language use among younger generations poses a linguistic threat to folklore, as many folk narratives are deeply embedded in regional dialects (Krishna & Bose, 2016)<sup>8</sup>. The commercialization and commodification of folk culture in tourism and media can also strip folklore of its original context and reduce it to mere spectacle (Singh, 2019)<sup>9</sup>.

This gap was addressed by the Karnataka High Court in *Academy of General Education, Manipal v. Malini Mallya* (2009 (3) Kar LJ 309)<sup>10</sup>, emphasising the necessity of addressing issues of ownership and authorship when traditional knowledge and performances are exploited in public or commercial settings. The case highlighted how challenging it is to apply individualistic copyright standards to cultural representations that are held collectively.

Furthermore, the judiciary looked at cultural institutions' responsibilities to protect heritage in *Indira Gandhi National Centre for the Arts v. State of NCT of Delhi*<sup>11</sup> subtly highlighting the absence of cogent state action to preserve intangible cultural assets like folklore.

Community websites and social media platforms have become effective channels for promoting folk traditions. Roy (2020)<sup>12</sup> Scholars warn, nonetheless, that if content is changed to appeal to a wider

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<sup>4</sup> Ramanujan, A. K. (1991). *Folktales from India: A selection of oral tales from twenty-two languages*. Pantheon Books.

<sup>5</sup> Dharwadker, V. (2003). *Cultural translation and postcolonial Indian folklore*. Comparative Studies of South Asia, Africa and the Middle East

<sup>6</sup> Narayan, K. (2004). *Dislocated narratives: The impact of migration on folk practices*.

<sup>7</sup> Patel, D. (2010). *Education, culture, and the loss of local folklore*. International Journal of Education and Cultural Studies

<sup>8</sup> Krishna, P., & Bose, M. (2016). *Language erosion and the threat to folklore traditions*. Indian Journal of Linguistic Anthropology

<sup>9</sup> Singh, V. (2019). *Folklore and the tourism economy: Between preservation and performance*. Journal of Cultural Economics

<sup>10</sup> *Academy of General Education, Manipal v. Malini Mallya*, (2009) 3 Kar LJ 309.

<sup>11</sup> *Indira Gandhi National Centre for the Arts v. State of NCT of Delhi*, W.P. (C) 2843/2012 (Delhi HC).

<sup>12</sup> Roy, T. (2020). *Folk revival through digital media platforms*. New Media Studies,

audience, this change may result in problems with authenticity and cultural dilution (Chakrabarty, 2018)<sup>13</sup>.

In educational settings, incorporating folklore into curricula has demonstrated potential for strengthening children's sense of cultural identification. In order to provide a connection between formal knowledge and lived culture, Singh and Iyer (2015)<sup>14</sup> support culturally responsive pedagogy that integrates regional stories, proverbs, and folk games into elementary education.

#### International Frameworks for Folklore Protection

Several countries have taken proactive legal steps to protect folklore through sui generis legislation or adapted copyright models:

1. Kenya: The Industrial Property Act (2001) and the Protection of Traditional Knowledge and Cultural Expressions Act (2016) establish legal mechanisms for communities to control and license their folklore.
2. Ghana: The Copyright Act (2005) designates the National Folklore Board to hold rights in trust for the nation. Use of folklore for commercial purposes requires government authorization and royalty payments.
3. Panama: Law No. 20 (2000) protects collective intellectual property rights of indigenous peoples over their cultural heritage, including symbols, music, and rituals.

## METHODOLOGY

In order to investigate the present state, difficulties, and prospects associated with the conservation and revival of Indian folklore, this study uses a qualitative research methodology. To obtain a thorough grasp of how folklore is performed and maintained in the contemporary setting, the study employs an exploratory-descriptive approach, integrating primary and secondary data. Semi-structured interviews and focus groups will be used to gather primary data, and case studies of effective preservation initiatives, scholarly literature, and content analysis of digital folklore platforms will be used to gather secondary data.

A variety of stakeholders, including folklorists, cultural scholars, local artists and storytellers, educators, NGO employees, and legislators, will participate in semi-structured interviews. The purpose of these interviews is to obtain detailed information about the ways in which folklore is passed down in the modern era, the difficulties that practitioners have, and the efficacy of different preservation techniques. Focus groups will also be held in a few communities that are well-known for their rich folkloric traditions, like those in Kerala, Rajasthan, and West Bengal, to foster intergenerational communication and learn about local viewpoints on the value and dissemination of folklore.

A content examination of social media sites, digital archives, and educational initiatives that support folklore is also part of the study. The effectiveness of folklore representation and dissemination in digital media, as well as whether these platforms maintain or change the authenticity of traditional narratives, will be evaluated in this investigation.

Furthermore, legal systems face challenges in distinguishing authentic folklore from adaptations and determining who has the authority to speak for a tradition. Cultural sensitivity also plays a crucial role—documenting or commercializing sacred narratives can lead to ethical dilemmas and community resistance, especially if done without consent.

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<sup>13</sup> Chakrabarty, A. (2018). *Digital narratives and the risk of cultural dilution*. Media and Society Review

<sup>14</sup> Singh, R., & Iyer, V. (2015). *Teaching with tales: Integrating folklore in early education*. Indian Journal of Pedagogical Research

## DATA ANALYSIS AND DISCUSSION

The qualitative information gathered from focus groups and interviews showed that community members, academics, and cultural practitioners all expressed concern over the slow decline of traditional folklore traditions in India. The effect of urban migration and modernisation on the transmission of knowledge across generations was a recurring theme in the interviews. According to a number of respondents, folktales, songs, and rituals are not very popular among the younger generation, mostly because they are seen as out of date or unnecessary in the current digital era. Since many folklore practices are closely linked to dialects that are no longer taught or widely spoken, the loss of regional language usage further exacerbates this generational divide.

The loss of communal venues where folklore was formerly naturally passed down—such as village meetings, seasonal celebrations, and storytelling nights—was highlighted by participants from community settings. Television and internet-based entertainment have essentially supplanted these conventional channels, creating what some respondents referred to as a "cultural vacuum." Focus group elders frequently lamented the loss of their oral tradition, but they also recognised the dearth of organised efforts to engage young people or effectively incorporate folklore into the curriculum.

When compared to international practices, India's approach to folklore protection is fragmented and indirect. Unlike Ghana and Panama, India lacks a dedicated statutory body or sui generis system for folklore. Legal safeguards are currently spread across:

- Constitutional provisions (Articles 29, 51A)
- UNESCO ratifications
- Indirect cases under the Copyright Act
- In contrast, countries like Kenya and Ghana have clearly codified systems that ensure:
  1. Community consent before use
  2. Benefit sharing for commercial exploitation
  3. Legal ownership of traditional expressions

One important yet underutilised area was identified as educational initiatives. Incorporating local folk content into school teachings, especially through storytelling, theatre, and cultural festivals, can greatly improve pupils' cultural identity and linguistic variety, according to teachers and curriculum experts surveyed. When such programs have been put into place, like in several model schools in Tamil Nadu and Rajasthan, they have improved relationships between local communities and schools while also reigniting interest in local heritage. In order to guarantee accuracy and participation, the results also emphasised how crucial it is to include local elders and tradition-bearers in educational initiatives.

According to the World Intellectual Property Organization (WIPO), folklore or "traditional cultural expressions" are defined as: "Productions consisting of characteristic elements of the traditional artistic heritage developed and maintained by a community or by individuals reflecting the traditional artistic expectations of such a community."

Similarly, UNESCO defines folklore as:

"Traditional cultural expressions that are transmitted from generation to generation, constantly recreated by communities in response to their environment, interaction with nature, and history, and which provide them with a sense of identity and continuity."

In the Indian context, while no codified legal definition exists, scholars like A.K. Ramanujan and institutions such as IGNCA and Sahitya Akademi regard folklore as “collectively shared oral narratives and practices shaped by memory, performance, and socio-religious context.

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One of the most effective and long-lasting approaches to folklore revitalisation has been community-driven initiatives. There has been a discernible resurgence of interest among young people in areas where cultural NGOs engage with local artists and elders to host seminars, storytelling events, and folk theatre. These grassroots initiatives show that revitalisation is achievable when communities have a sense of pride and ownership in their traditions, particularly when backed by local government or cultural organisations. Women frequently play a crucial role in the transmission of folk songs and rituals, and their empowerment in cultural activities results in greater participation and influence, according to gender-sensitive findings that also surfaced.

### **FINDING AND IMPLICATION**

According to the study, modernisation, urban migration, language changes, and a lack of robust institutional backing are all contributing factors to the gradual but steady decline of Indian folklore. One important result is that intergenerational transmission is waning as newer generations become less engaged with regional narratives and oral traditions. Formal education systems that frequently ignore indigenous cultural content in favour of standardised, international curricula exacerbate this gap. According to elders and tradition-bearers, storytelling customs, folk performances, and ritual involvement have all significantly decreased, suggesting that folklore is becoming less and less relevant in day-to-day community life.

At the same time, the results indicate new revitalisation prospects. Digital channels are significantly contributing to the revival of folklore, particularly among young people. Folklore-focused content on social media, digital archives, and online storytelling platforms have started to close the gap between traditional knowledge and contemporary access. The internet revolution has increased the visibility of folklore and enabled creators to preserve endangered practices, despite ongoing concerns about authenticity and contextual loss.

Similar to this, case studies from educational institutions and non-governmental organisations demonstrate that student engagement and cultural knowledge rise dramatically when folklore is incorporated into the classroom through performance art, folk music, or storytelling.

### **CONCLUSION AND RECOMMENDATIONS**

The study comes to the conclusion that although Indian folklore is at a turning point because of societal changes, it can yet be revived. Rapid urbanisation, the disappearance of regional languages, a loss in intergenerational interaction, and a lack of institutional priority have all contributed to the collapse in traditional folklore traditions. Nonetheless, a positive turn towards revitalisation is indicated by the rise of internet platforms, culturally sensitive educational programs, and community-based activities. The study emphasises how folklore is a vibrant cultural resource that may influence identity, values, and innovation in modern Indian society rather than just being a sentimental holdover from the past.

The study confirms that Indian folklore has the ability to adapt and be culturally relevant in a world that is changing quickly, despite facing serious threats. A tradition that was once a potent tool for passing along history, values, and identity from one generation to the next has become marginalised as a result of these causes.

A number of important suggestions are put forth in light of these revelations. In order to enable students to actively engage with their past, folklore must first be incorporated into formal education through storytelling, folk theatre, and cultural studies. Folklore centres, workshops, and festivals can serve as essential venues for innovation and preservation.

Legally speaking, preserving and reviving Indian folklore is important for both cultural reasons and the defence of human rights and the constitution. Articles 29 and 51A(f) of the Indian Constitution ensure the preservation of cultural heritage and place a basic obligation on citizens to cherish and conserve the nation's rich, diverse culture. The legal duty to preserve oral traditions and folklore is further strengthened by India's ratification of international frameworks like the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The legal protections for folklore are still dispersed and not adequately implemented in reality, though.

A thorough legal framework that acknowledges folklore as a type of communal intellectual property is desperately needed in order to guarantee that local custodians maintain ownership and reap the benefits and respect they are owed. Documentation, funding for preservation, fair use in digital environments, and the avoidance of cultural appropriation are all essential components of such a regulation. Legal actions can offer an organised, rights-based strategy for preserving folklore and guaranteeing its ongoing significance for upcoming generations when paired with community engagement and educational changes.

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