

Treating Baul Fakiri artists fairly: Code of Ethics and Practical Guidelines for music event and performance organisers, media workers, researchers and the public.

This is Girish Mondal (also known as Girish Khyapa), a Baul singer from Bardhaman district West Bengal. He sings Baul songs and plays the Dotara and Ektara – traditional musical instruments.



Baul singer and musician Girish Mondal

Girish is well-known for his performances in India and internationally. His travels have taken him throughout India and around the world including to the International Folklore De Noyon Festival in France and the Transform-Trondheim World Music Festival in Norway, both in 2017. He also attended the Smithsonian Folklife Festival 2018 and performed at the Library of Congress and Freer Sackler Gallery. A video of him performing GourarNitay at the World Peace Music Festival, Sur Jahan in Kolkata in 2017 can be seen at https://www.youtube.com/watch?time_continue=60&v=YrCxBpH61M&feature=emb_logo

The fact that he has become so well-known has prompted some organisations to use his image for their own commercial ends, and without asking him. Consider the two images below. The one on the left is from the cover of a Bengali reference book for class 6. It is written by Dr. Pratip Majumdar and published by Parul Prakashani. The one on the right is a poster advertising the first edition of Grand Baul Festival organized by Makda Shivashakti Baroari Committee in Makda, Baahin, District - North Dinajpur, West Bengal. Girish welcomes the spread of knowledge in schools about the Baul traditions, and is fully supportive of festivals at which Bauls feature. But in neither case was Girish asked for permission for the

use of his image nor did he take part in the festival that year. In other words, the book publisher and the festival organisers used Girish's image to promote their work or interests without his permission.



Recordings of Baul performances are sometimes made without the knowledge or permission of the performer, and then broadcast on television or radio; photographs are taken during performances and then circulated on social media. The Bauls welcome the spread of their philosophy, but would like to be credited for their performances and use of their images and also to share in any commercial return.

Laws in India (on image rights, performers rights and intellectual property) give Bauls the right to stop people profiting from their images without permission or acknowledgment. These laws can be difficult to understand and enforce, and many unethical practices continue. So, the Baul Fakiri community developed this code with the HIPAMS team to explain what their rights are, and how they would like to interact with other stakeholders, such as journalists, researchers, film-makers, event organisers and the public.

The Baul Fakiri Code will be shared each time that members of the Baul Fakiri community interact with one of these groups for a particular project or event, and the organisers will individually be given a copy of this Code. The aim is that through this process, respect will be shown for the Baul Fakiri community and their intangible heritage, and that they will be given due acknowledgement and payment to ensure that their heritage continues into the future.

Baul Fakiri Heritage Code

The Baul community is well known in India and abroad for our music and singing, which is based on a spiritual tradition passed down through the generations in our community. Our practice has been inscribed on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity.

However:

- Many different people claim to be Bauls simply because they sing Baul songs
- Some event organisers advertise performances using Baul names and images, when we are not performing there
- Some people misrepresent Baul traditions and publish misleading information on our practice
- Some Baul artists do not get paid fairly for our performances
- Film makers approach us to sing songs but use other photographs of their choice, which can dilute the context of the song.
- Sometimes, Baul artists do not get paid the promised fees for our performances

What we would like:

1. We would like to keep composing music and songs, performing, and practising our Baul philosophy
2. We would like people to understand the key aspects of the philosophy of love and overcoming greed that motivates our music
3. We would like people to respect our Baul heritage and practices, and what is secret and sacred to us
4. We would like to be paid fairly for our performances
5. We would like to have a share of benefits from commercial use of our work by others
6. We would like to be treated with respect

People who organise music events and performances can help us by:

1. Respecting our Baul heritage, both music and philosophy
2. Telling people about the meaning and value of our Baul heritage
3. Not misrepresenting us or revealing our secret and sacred knowledge
4. Treating us with respect
5. Paying us fairly for our performances
6. Attributing us and acknowledging our contributions
7. Not advertising events using our names and images when we are not performing there
8. Not engaging performers who say they are Bauls, when they are not

People who do research, report for the media, make films and television programmes or take pictures for their social media feeds can help us by:

1. Respecting our Baul heritage, both music and philosophy
2. Telling people about the meaning and value of our Baul heritage
3. Not misrepresenting us or revealing our secret and sacred knowledge without permission
4. Treating us with respect
5. Consulting and involving us in projects about our lives and work
6. Paying us fairly for our performances
7. Attributing us and acknowledging our contributions in books, films, photographs and other products of their work

Annex: Foundational principles

These have been adapted from the UNESCO Intangible Heritage Convention's Ethical Principles (2015)

1. Intangible cultural heritage is practised and transmitted in accordance with the principles of human rights, respect for the environment and mutual respect between people.
2. Communities (including groups and, where applicable, individuals) decide what their intangible cultural heritage is, and its meaning and value.
3. Communities play the main role in safeguarding their own intangible cultural heritage, and should be supported appropriately in doing so.
4. Mutual respect for communities and their intangible cultural heritage should guide all activities for intangible cultural heritage safeguarding.
5. Safeguarding activities should be undertaken with the participation, and free, prior and informed consent of the communities concerned.
6. Communities should be involved through collaboration, dialogue, negotiation and consultation in safeguarding their intangible cultural heritage.
7. Community requirements for secrecy and privacy in regard to their intangible cultural heritage should be respected.
8. Communities should have continued access to the instruments, objects, artefacts, cultural and natural spaces and places of memory they need for expressing their intangible cultural heritage.
9. Communities should be recognised and attributed appropriately for works based on their intangible cultural heritage, and protected from decontextualization, commodification and misrepresentation, according to their needs.
10. Communities should benefit from the moral and material interests resulting from their intangible cultural heritage, including when it is used and adapted by members of the communities or others.

11. Communities should be able to share fairly in the benefits from safeguarding, practising and transmitting their intangible cultural heritage.