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## BIHU PEPA: A PROSPECTIVE GEOGRAPHICAL INDICATION OF ASSAM

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### ABSTRACT

The geographical indications (GIs) are significant in safeguarding the traditional knowledge, cultural identification and products that are deeply attached to a particular region. Bihu Pepa is an Assamese traditional wind instrument that is a vital component of both cultural and musical affairs of the Bihu festival. It is a manifestation of local craftsmen and the local culture. However, unlike the Bihu Dhol, which was granted GI status in 2008, the Bihu Pepa has not yet received protection under the Geographical Indications of Goods (Registration and Protection) Act, 1999.

This paper will look into whether the Bihu Pepa is eligible to be registered as a GI based on the current Indian legal provisions. It examines the legal provisions of GI protection, including geographical origin, reputation, traditional knowledge, and unique features, in order to evaluate the instrument eligibility. The paper also makes some comparisons of the Bihu Pepa with the Bihu Dhol and says what is the current status of the GI application process, presents both legal opportunities as well as practical challenges to the GI status of traditional musical instruments.

The article notes that giving the Bihu Pepa GI recognition would assist in discouraging abuse and counterfeiting, sustaining the lives of local craftsmen, and further aid in the safeguarding of the Assam cultural heritage. It also highlights the significance of GI protection as the statutory means of the protection of the traditional cultural expressions in the Indian system of intellectual property.

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## INTRODUCTION

India, is known for its rich cultural heritage and has emerged as a prominent region for Geographical indications (GI), a form of intellectual property that ensures protection for products with specific geographical origin. This protection prevents the misuse and sheds light on products unique qualities, reputation and characteristics of product that roots with its place of origin, tradition, environment and other facts.

Assam, a culturally rooted state in northeastern India, serves with diverse traditions, music, arts and crafts. Over the years Assam has successfully registers several GI tagged products across different categories, including agricultural products, handicrafts and musical instruments. These registrations have helped to uplift the livelihoods of local artisan and farmers.

Assam, journey with GI began with registration of Assam Tea, followed by agricultural products such as Karbi Anglog ginger, Assam Lakshmi rice and Muga silk. Handicrafts like Assam Japi and musical instruments such as Bihu Dhol have also been recognized as GI.<sup>2</sup> These developments have not only safeguarded the tradition and culture but have also brought national and international recognition of Assamese culture and tradition.

Among Assam GI-tagged musical instruments, like Bihu Dhol is a relevant example and significant symbol of state musical tradition. It got its registration in 2008 and this offers questions on whether other culturally significant instruments like Bihu Pepa also qualify for GI recognition.

This assignment explores the potential of the Bihu Pepa, a traditional wind instrument associated with Bihu festival, becoming a GI product of Assam. The Bihu Pepa shares several characteristics with Bihu Dhol and plays a vital role in preservation of craftsmanship and Assam musical heritage. Thus, by examining challenges and potentials for the Bihu Pepa to obtain GI recognition to become cultural and economic asset for Assam.

## BACKGROUND

Every state has its own identity due to various reasons. Assam is a prominent state due to its

<sup>2</sup> SLBCNE, *GI Products of Assam* (n.d.) available at <https://slbcne.nic.in/assam/other/GI%20Products%20of%20Assam.pdf>

cultural celebrations, i.e., the Bihu festival, and in its history, it has become a symbol of its state's vibrant tradition. This festival is considered Assamese New Year and is celebrated with various rituals, traditional dances, music, and feasts. The festival is celebrated three times a year- Rongali Bihu, Bhogali Bihu, and Kongali Bihu- each of them recognizes a different aspect of the agrarian life of Assam.

Bihu is linked with the agricultural cycle, just like Baisakhi in Punjab. It symbolizes the arrival of spring, the new beginning, and prosperity. The celebration is accompanied by a variety of traditional musical instruments, including Bihu Dhol (drum) and Bihu pepa (wind Instrument). These instruments are essential for the festivals and represent Assam's unique cultural and musical heritage. These two instruments hold the festival's spirit and the Assamese people's vibrant traditions.

In 2008, the Bihu Dhol received the GI tag, marking not only the uniqueness of the instrument but also protecting the local artisans' interest. This GI tag has become a precedent for potentially protecting other instruments such as Bihu Pepa. The Bihu pepa, like the Bihu dhol, plays a vital role in the Bihu celebration and is equally important. Granting Bihu Pepa a GI tag would have several advantages.<sup>3</sup> By securing the GI status for the Pepa, Assam can ensure the preservation of this unique art form, protect artisans' livelihoods, and continue to share its rich cultural traditions with the world.

## STATEMENT OF PROBLEM

The Bihu Pepa, a traditional wind instrument integral to the Bihu festival in Assam, plays a vital role in the state's cultural and musical heritage. Despite its historical and cultural significance, the Bihu Pepa has not been granted a Geographical Indication (GI) tag, unlike other traditional products such as the Bihu Dhol. This lack of GI recognition has led to challenges in preserving its traditional craftsmanship, safeguarding the livelihoods of local artisans, and preventing the proliferation of counterfeit products. While the Bihu Dhol received the GI tag in 2008, which helped protect and promote the instrument's cultural value, the Bihu Pepa remains vulnerable to exploitation, mass production, and loss of authenticity.

This assignment seeks to explore the prospects of granting the Bihu Pepa a GI tag, examining

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<sup>3</sup> Intellectual Property India, *Application Details*, Application No. 1002, available at <https://search.ipindia.gov.in/GIRPublic/Application/Details/1002>

the cultural, economic, and legal implications of such a decision. It aims to understand how a GI tag could help in preserving the traditional techniques of crafting the Bihu Pepa, enhancing the economic well-being of local artisans, and promoting Assam's rich cultural heritage both nationally and globally. Furthermore, this study will address the challenges and barriers in the process of GI recognition for the Bihu Pepa, considering its current status and the potential benefits it could bring to the region's economy and cultural identity.

## **RESEARCH QUESTION**

1. Can the Bihu Pepa be granted a Geographical Indication (GI) tag?

## **RESEARCH OBJECTIVE**

To explore the potential benefits and challenges of granting the Bihu Pepa a Geographical Indication (GI) tag.

## **RESEARCH METHODOLOGY-**

The doctrinal research methodology is followed for the study of obtaining Geographical Indication (GI) recognition for the Bihu Pepa. This approach focuses on analyzing and interpreting existing legal frameworks, existing GI application , and statutory provisions to understand and evaluate the legal eligibility and challenges associated with the GI registration process.

### **I- GEOGRAPHICAL INDICATION AND ITS DIMENSIONS**

The concept of geographical indication identifies goods originating from specific locations with qualities, reputations, or characteristics. The idea of geographical indication traveled in India with the prominence of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organization in 1995. <sup>4</sup>This agreement highlights the importance of protecting goods not for economic purposes but for their regions' cultural and traditional identities.

As a signatory to the TRIPS agreement, India enacted a domestic law - Geographical

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<sup>4</sup> World Trade Organization, *TRIPS: Trade-Related Aspects of Intellectual Property Rights*, available at [https://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](https://www.wto.org/english/tratop_e/trips_e/trips_e.htm)

Indications of Goods (registration and protection) Act, 1999, to safeguard goods and their heritage. The Act provides a legal framework for registering, protecting, and enforcing GI rights.<sup>5</sup>

One of the main objectives of GI registration is the protection of traditional knowledge and crafts. Culturally diverse countries like India have become a center for GI goods and safeguarding knowledge passed down through generations. India has traditional handicrafts and artisan products with immense cultural and historical significance. For example, GI tags such as Pashmina Wool, Madhubani Paintings, etc.

The GI allows artisans to continue their traditional production methods and encourages them to take their heritage and promote such goods in economic and social markets. This shows that GI protection is multifaceted- as it protects economic, social, and cultural dimensions.

However, implementing GI protection in India is challenging. The registration process itself is a technical system. The registration process often requires historical and geographical evidence, which can be difficult. Even after obtaining a GI tag, enforcement remains a challenge. The GI Act of 1999 stands as a landmark legislation, seamlessly blending legal protections with cultural preservation, highlighting the crucial role of geographical indications in safeguarding traditional knowledge and fostering the economic empowerment of local communities.

The interconnection between cultural heritage and economic development is recognized mainly when preserving traditional knowledge and empowering local communities. Geographical Indications are unique for IP, and by ensuring recognition and protection, GI simultaneously safeguards economic growth and social well-being.

- **Economic Empowerment through GI's-**

The economic implications of GI protection are essential for market value due to their authenticity and cultural significance. This has created a direct economic opportunity between artisans and producers. For example, Darjeeling Tea <sup>6</sup>is the first product to receive a GI tag in

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<sup>5</sup> Intellectual Property India, *Acts & Rules: Geographical Indications*, available at <https://ipindia.gov.in/acts-gi.htm>

<sup>6</sup> Intellectual Property India, *Application Details for Darjeeling Tea (Logo)*, Application No. 2, available at <https://search.ipindia.gov.in/GIRPublic/Application/Details/2>

India and has established itself as a global brand. Similarly, this creates a demand in both domestic and international markets.

- Cultural significance and societal impact-

Beyond economic benefits, GI plays a crucial role in preserving cultural pride and social cohesion. They act as a medium to share a region's heritage with the world by encouraging cultural tourism and international appreciation of India's diversity.

- Challenges in implementing GI protection-

While GI offers various benefits, there are several challenges to its implementation. There is a need for more awareness among artisans and producers about the value of GI registration.

Thus, Geographical indication bridges the gap between cultural preservation and economic empowerment. And for a state like Assam, with its rich cultural history and traditional crafts, adequate GI protection could serve as a transformative phase for its heritage.

## **II-ANALYSIS OF HOW THE BIHU PEPA FULFILLS GI ELIGIBILITY REQUIREMENTS**

### **Historical and Cultural Context:-**

The state of Assam is full of diverse ethnic groups. Over centuries, these groups have interacted and influenced each other's traditions and results in a unique Assamese heritage. This rich cultural blend is reflected in Assamese music, dance, art, and daily life.

Among the many cultural contributions of these groups, the introduction and development of traditional musical instruments one out of it. Assam is particularly renowned for its indigenous instruments, which hold a significant place in its history and culture. Among these, the Bihu Pepa is a notable wind instrument that plays a central role in Assamese cultural celebrations, particularly the Bihu festival.

### **The Bihu Pepa and Its Role in Assamese Culture-**

The Bihu Pepa is crafted from buffalo horn and bamboo, symbolizing the intricate artistry and musical legacy of Assam. It is an indispensable part of the Bihu festival, where it is played

during traditional Bihu dance performances. Together with other instruments like the dhol (drum), gogona (bamboo mouth harp), and taal (cymbals), the pepa creates the vibrant and energetic ambiance characteristic of the festival.

The craftsmanship involved in creating the pepa requires specialized skills, passed down through generations, making it not just a musical instrument but also a significant part of Assam's intangible cultural heritage. Its continued use in festivities underscores its cultural and artisanal value, qualifying it as a potential candidate for Geographical Indication (GI) registration.

### **Geographical Influence on Assamese Music**

Assam's geographical location which is situated between the Indo-Gangetic plains and the Himalayan foothills has facilitated the cultural exchange and enriched its traditions. This results a diverse geographical setting has given rise to distinctive sounds, rhythms, and styles that define Assamese music.

Apart from historical aspect, it has cultural and musical significance also. Like-

1. **Tribal Influences:** Many musical instruments of Assam, including the pepa, have tribal origins. These instruments are not only musical tools but also carry symbolic and ritualistic meanings.
2. **Fusion of Musical Styles:** The amalgamation of influences from Mongolian, Aryan, and Dravidian cultures has contributed to a harmonious and distinct Assamese musical tradition.
3. **Traditional and Modern Dynamics:** While instruments like the pepa and dhol remain central to Assamese music, they have adapted over time, incorporating modern elements while retaining their traditional essence.

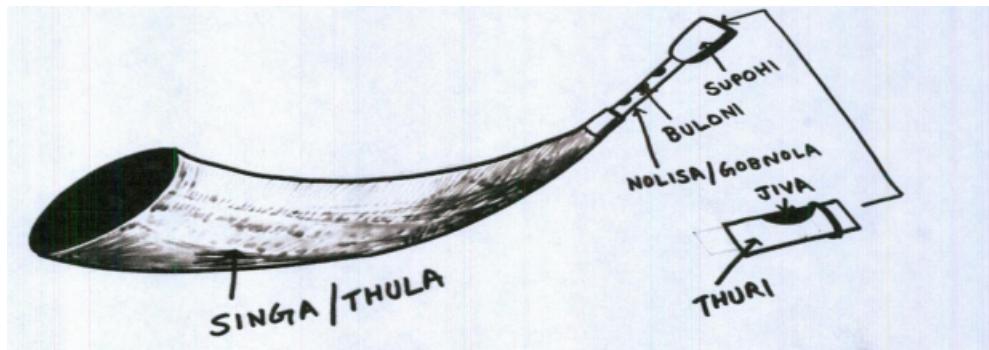
### **Role in Assamese Celebrations**

The pepa's high-pitched sound traditionally marks the beginning of Bihu festivities, symbolizing joy and renewal during the Bohag Bihu festival, which celebrates the Assamese New Year and the start of the sowing season.

## Product description and production

The creation of the Assam Bihu Pepa is an intricate and labor-intensive process that combines traditional craftsmanship with knowledge of materials. It follows a detailed step-by-step process of assembling the Bihu Pepa using various tools and raw materials:

### Different parts of pepa:



### Traditional Tools:

- Knives: Used for cutting the buffalo horn and bamboo.
- Small Drill Tools: Used for making holes in the buffalo horn and bamboo body of the pepa.
- Ari (Carving Tool): Used for cutting and shaping the buffalo horn.
- Small Buffing Tool: Used to smooth the surfaces of the horn and bamboo.
- Suja/Ghopani: Used for precise cutting and trimming of the horn.
- Other Tools: Various small tools for shaping, finishing, and assembling parts of the pepa.

### Raw Materials:

- Buffalo Horn (Sing or Thola): The primary material for making the mouthpiece (horn of the pepa).
- Bamboo: Used for making the body of the pepa (called Nalicha or Gariahala), which

contains the holes.

- Elephant Grass: Sometimes used for additional reinforcement or finishing touches.
- Water: Used to soften the buffalo horn and prepare it for shaping.
- Mud or Cow Dung: Used to soak the buffalo horn, softening it for cutting and hollowing out.
- Gum: Used to hold parts together and reinforce joints.
- Gophona (Bamboo or Reed Pipe): The pipe that connects the buffalo horn to the bamboo body.
- Chupohi: A protective casing for the small pipe (Thuri) inside the bamboo body.
- Muria: A smaller pipe used in some variations of the pepa.
- Juria Pepa: A version with two horns and one blowpipe.
- Ezia Pepa: A version with one horn and one blowpipe.
- Halis Pepa: A version with two horns and two blowpipes.

### **Making Process:**

#### Step 1: Preparing the Buffalo Horn (Thola)

- Soaking: The tip of the buffalo horn (Thola) is soaked in warm water or cow dung for a period of time to soften it. This makes the horn easier to cut and shape.
- Cutting the Horn: Once softened, the horn is cut to the desired length using a knife or carving tool (Ari). The tip is then hollowed out, either using a broken piece of glass or other sharp tools.
- Finishing the Horn: After cutting and hollowing, the horn is smoothed using a buffing tool to remove any rough edges.

### Step 2: Preparing the Bamboo Body (Nalicha or Gariahala)

- Selecting Bamboo: A piece of bamboo around 15 cm long is chosen for the body (Nalicha) of the pepa.
- Drilling Holes: The bamboo is drilled with holes (usually four) along its length to alter the pitch of the instrument when played.
- Fitting the Thola: The smaller end of the buffalo horn is inserted into one end of the bamboo body (Nalicha) and is secured using gum or other adhesive.

### Step 3: Adding the Small Pipe (Thuri)

- Preparing the Thuri: A small bamboo pipe about 4 cm long, called Thuri, is prepared. This pipe is used to connect to the bamboo body and the buffalo horn.
- Attaching the Thuri: The Thuri is inserted into the other end of the bamboo body (Nalicha) and is often enclosed in a bamboo casing (Cupahi) for convenience during play.

### Step 4: Reinforcement and Decoration

- Attaching Brass Rings: A brass ring is often placed at the broader side of the buffalo horn to prevent damage and also for decoration.
- Finishing Touches: The entire instrument is checked for smoothness and functionality. The joints are strengthened, and any additional decorative elements (such as metal or wooden rings) are added for aesthetic value.

### Step 5: Assembling the Pepa

- Final Assembly: The buffalo horn (Thola), bamboo body (Nalicha), small pipe (Thuri), and any additional parts (like Chupohi or Muria) are all assembled into a single cohesive instrument.
- Tuning: Once assembled, the pepa is tested and tuned. The musician uses their fingers to cover or uncover the holes along the bamboo body, which changes the pitch and tone

of the instrument.

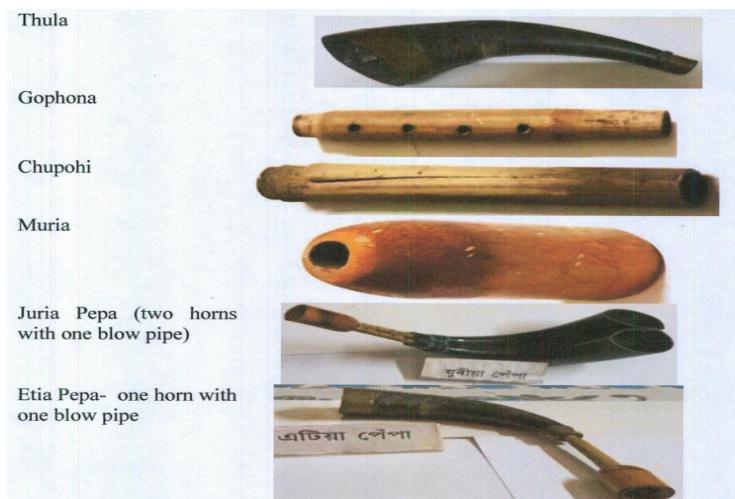
### Process of making Bihu Pepa



### Variations of Pepa:

- **Gutiys Pepa (Guwaal Pepa)**: A single horn version.
- **Thuriya Pepa**: A dual horn version played together as one instrument.

- Juria Pepa: Two horns with one blowpipe.
- Ezia Pepa: One horn with one blowpipe.
- Halis Pepa: Two horns with two blowpipes.



Through this careful assembly process, the Bihu Pepa remains a crucial part of Assamese culture:-

### Geographical Location

Assam, located in the northeastern region of India, is indeed a cultural melting pot with a rich history of diverse communities and ethnic groups living together in harmony. The state's unique position, surrounded by the Himalayas to the north and the plains of Bengal to the south, has made it a crossroads of various cultural, ethnic, and racial influences throughout history. This convergence of cultures has significantly shaped the art, traditions, and cultural identity of Assam, including its musical heritage.

### Unique Features of Pepa

The Assam Bihu Pepa is indeed a unique and culturally significant wind instrument that plays a crucial role in the Bohag Bihu festival (also known as Rongali Bihu), which marks the Assamese New Year and celebrates the arrival of spring. The uniqueness of the Bihu Pepa lies not only in its sound but also in its deep-rooted connection to the cultural identity of Assam.

- Cultural Connection to Bohag Bihu: The Pepa is inseparable from Bohag Bihu, a festival

associated with the rice harvest and the onset of the Assamese New Year. It marks the start of spring in April and is celebrated with music, dance, and festivities. The Pepa serves as a herald of the season, and its sound signals the beginning of the celebrations.

- **Historical Significance and Antiquity:** The Pepa has a long history, with roots that can be traced back to ancient times. Its presence in the region predates recorded history, and it is believed to have been used for centuries in Assamese culture. The instrument is a symbol of antiquity, having evolved over time to become a key feature of Assamese folk music.
- **Material and Design:** The Pepa is typically made from buffalo horn, with bamboo being used in its construction as well. The unique combination of buffalo horn and bamboo not only gives the instrument its distinct sound but also makes it one of the few instruments that use such materials. The hollow buffalo horn amplifies the sound produced, giving it a deep, rich tone.
- **Magical and Ritualistic Use:** In certain tribal communities, particularly among the hill peoples of Assam, the blowing of the Pepa (or similar horns) is associated with rituals and the belief in its power to drive off demons or invoke magical effects. This ritualistic use adds another layer of mystique and cultural significance to the instrument.
- **Playing Technique:** The Pepa is a wind instrument played by blowing air into the mouthpiece. The player uses their fingers to cover and uncover small holes along the neck of the instrument, creating a variety of pitches and sounds. The ability to alter the tone and pitch by adjusting the finger positions is what gives the Pepa its unique and versatile sound. The resulting tone is typically high-pitched and resonant, contributing to its distinctive sound in Assamese music.
- **Sound and Symbolism:** The sound of the Pepa is associated with the arrival of spring and is symbolic of renewal and the start of new agricultural cycles. Its rich, high tone is often used to mark the beginning of ceremonies or signify important moments during festivals. The distinct and powerful tone of the Pepa also enhances its connection with the earth, nature, and the seasonal transitions of the region.
- **Role in Bohag Bihu:** During Bohag Bihu, the Pepa plays an integral role in the celebrations, where it is often heard alongside other traditional instruments such as the Dhol, Gogona,

Taal, Toka, and Xutuli. The Pepa provides a unique sound that sets the tone for the Bihu dance, marking the festive atmosphere of the occasion.

### **III-COMPARATIVE STUDY OF BIHU DHOL FOR RECOGNIZING BIHU PEPA AS A GEOGRAPHICAL INDICATION (GI)**

The successful GI registration of the Bihu Dhol in 2008 under the Geographical Indications of Goods (Registration and Protection) Act, 1999, provides valuable lessons for pursuing GI protection for the Bihu Pepa.

The Bihu Dhol is a traditional drum crafted from wood and animal skin, deeply embedded in Assamese culture. Integral to Bohag Bihu celebrations, it is a prominent accompaniment to Bihu dances and symbolizes Assamese identity. So Bihu Dhol GI tag concludes that-

- Cultural Heritage Preservation: The registration highlighted the importance of protecting traditional handicrafts to safeguard cultural identity.
- Artisan Recognition: GI status elevated the recognition and livelihood of local artisans involved in dhol-making.
- Promotion of Assamese Identity: GI registration helped promote Assam's rich musical traditions at national and international levels.

These factors underscore the potential benefits of securing GI registration for the Bihu Pepa, ensuring its recognition and preservation as a cultural artifact.

The Bihu Dhol, a traditional Assamese percussion instrument, plays an integral role in the Bihu festival, a cultural cornerstone of Assam. This drum, made from indigenous materials such as wood (typically jackfruit or mango wood) and animal hide, has a distinctive sound that is deeply embedded in Assamese identity. Recognizing the significance of the Bihu Dhol, efforts were made to secure a GI tag to protect its authenticity and preserve its artisanal heritage.

The process began with stakeholders—including cultural associations, artisans, and local organizations—collaborating to document the historical, cultural, and geographical significance of the Bihu Dhol. An application was submitted to the Geographical Indications Registry, detailing:

- The unique materials and craftsmanship involved in its creation.
- Its role in Assamese culture and the Bihu festival.
- The geographical origin of its production, predominantly in Assam.

The Registrar of Geographical Indications examined the application for compliance with the Geographical Indications of Goods (Registration and Protection) Act, 1999. The comprehensive documentation provided by the applicants ensured the application met the criteria, including historical records, artisan interviews, and evidence of geographical specificity. Following acceptance, the application was published in the Geographical Indications Journal, allowing for public scrutiny.

The Bihu Dhol was granted a GI tag, formally recognizing its cultural and geographical uniqueness. This provided legal protection against imitations and misuse, helping preserve the heritage of Bihu Dhol-making artisans. The tag also contributed to increased market recognition and demand for the authentic instrument.

### **Recognizing the Bihu Pepa as a GI**

While the Bihu Dhol represents the rhythmic core of Bihu celebrations, the Bihu Pepa is a wind instrument that provides a soulful melody. Both instruments are indispensable to the festival, serving complementary roles in its musical tradition. However, the Pepa, crafted from buffalo horn, symbolizes a unique connection to Assamese pastoral culture.

The Bihu Dhol requires skilled craftsmanship involving wood and animal hide, passed down through generations. Similarly, the Bihu Pepa demands expertise in shaping and hollowing buffalo horn to produce its characteristic sound. Both crafts face challenges from industrialization and a decline in artisanal practices, necessitating protection and promotion.

The Bihu Dhol's GI tag was supported by its reliance on region-specific materials, such as the wood available in Assam. Similarly, the Bihu Pepa's exclusive use of buffalo horn, sourced from the region, underscores its geographical specificity, which strengthens its case for GI recognition.

Post-GI recognition, the Bihu Dhol witnessed increased market demand and global recognition,

benefiting local artisans. The Bihu Pepa could similarly benefit from a GI tag, encouraging its production and preventing imitation, while preserving its cultural and economic significance.

The Bihu Dhol's successful application was facilitated by well-documented evidence of its historical and cultural significance. In contrast, the Bihu Pepa faces challenges such as limited documentation and reduced usage in modern performances. These issues can be mitigated through dedicated research and community involvement to gather the required evidence.

To achieve GI recognition for the Bihu Pepa, stakeholders must follow a similar process:

- Collaborate with artisans, historians, and cultural bodies to prepare the GI application.
- Provide robust documentation, including historical records, geographic specificity, and details of its cultural significance.
- Address challenges by promoting awareness and usage of the Bihu Pepa in contemporary and traditional contexts.

Thus, Bihu Dhol's successful GI registration demonstrates the importance of protecting traditional cultural expressions. The Bihu Pepa, with its unique craftsmanship, cultural resonance, and regional specificity, possesses similar characteristics that warrant its recognition as a GI. By leveraging the Bihu Dhol as a model, efforts can be streamlined to preserve the Bihu Pepa, ensuring its legacy endures for future generations.

#### **IV-GEOGRAPHICAL INDICATION (GI) REGISTRATION PROCESS AND LEGAL ELIGIBILITY OF BIHU PEPA**

##### **Process of registration under GI Act 1999-**

The process of registering a Geographical Indication (GI) in India involves several key steps governed by the Geographical Indications of Goods (Registration and Protection) Act, 1999. The process begins with the submission of an application in Form GI-1 to the Geographical Indications Registry, accompanied by the required details and fee. Upon receiving the application, the Registrar examines it for compliance with the Act, either accepting it or raising objections that the applicant must address. If the application is accepted, it is published in the

Geographical Indications Journal<sup>7</sup> to notify the public, initiating a four-month period for filing oppositions. During this opposition period, interested parties can challenge the application, and the Registrar adjudicates these disputes before proceeding further. If no opposition is raised, or after resolving any opposition, the GI is registered, and a registration certificate is issued to the applicant. The GI remains valid for 10 years, after which it must be renewed periodically by filing a renewal application. Once registered, the GI is legally protected, and unauthorized use or infringement can be challenged through appropriate legal actions, ensuring its exclusivity and safeguarding its cultural and economic significance.

STEP	DESCRIPTION	RELEVANT AUTHORITY/ ACTION
1. Application Filing	Submit an application in Form GI-1 with required details and fee.	Filed with the Geographical Indications Registry.
2. Examination	Registrar examines the application for correctness and compliance with requirements under the Act.	Registrar issues acceptance or objections.
3. Publication	If accepted, the application is published in the Geographical Indications Journal for public notice.	Publication initiates a four-month opposition period.
4. Opposition	Interested parties may file opposition within four months of publication	Registrar adjudicates oppositions before proceeding.
5. Registration	If no opposition or after resolving opposition, the GI is registered.	Registration certificate issued to the applicant.
6. Renewal	GI is valid for 10 years and must be renewed periodically.	Renewal application to be filed every 10 years.
7. Enforcement and Protection	Registered GI is protected under law; unauthorized use is prohibited.	Legal action can be taken against infringement.

<sup>7</sup>Intellectual Property India, *Geographical Indications Journal*, available at <https://search.ipindia.gov.in/IPOJournal/Journal/GIR>

## V-CASE STUDY ON CURRENT APPLICATION FOR GI REGISTRATION OF BIHU PEPA<sup>8</sup>

### Details of the Application

The Bihu Pepa, a traditional Assamese wind instrument, is in the process of being registered under the Geographical Indications of Goods (Registration and Protection) Act, 1999. The application has been filed by an association of producers and artisans, namely:

Name of the Association: Organisation for Universal Mankind (OUM)

Date of Application :10/07/2024

Geographical Region: Assam, India

The following documents have been submitted as part of the GI registration application:

Document	Details Submitted	Requirement Under GI Act	Fulfillment of Requirement
Proof of Origin	Documentation of the Bihu Pepa's origin in Assam, including its historical and cultural significance.	Section 11(2): Evidence of origin and linkage.	Strong documentation provided showcasing traditional origin.
Description of the Product	Detailed explanation of the Bihu Pepa's construction, including the use of buffalo horn and bamboo.	Section 11(2): Specific details of the product.	Detailed descriptions submitted.
Geographical Linkage	Evidence of geographical factors (e.g., availability of buffalo horn near the Brahmaputra River).	Section 2(1)(e): Link between product and region.	Clear geographical evidence provided.

<sup>8</sup> Intellectual Property India, *Application Details for Bihu Pepa*, Application No. 1311, available at <https://search.ipindia.gov.in/GIRPublic/Application/Details/1311>

Cultural Significance	Records of the Bihu Pepa's role in Bihu festivals, with testimonials from cultural historians and practitioners.	Section 11(2): Evidence of cultural heritage.	Submitted, showing its integral role in Assamese culture.
Traditional Knowledge	Documentation of the artisanal knowledge and skills passed through generations for crafting the Bihu Pepa.	Section 11(2): Evidence of traditional knowledge.	Artisanal practices documented.
Economic Benefits	Reports showing potential economic benefits for local artisans through GI registration.	Section 20: GI protection to enhance value.	Economic data and artisan testimonials included.
Precedent Cases	Reference to the GI registration of the Bihu Dhol and its impact on local culture and economy.	Section 11(3): Support through similar cases.	Included as supporting evidence.
Map of the Geographical Area	Map highlighting regions in Assam associated with Bihu Pepa production.	Section 11(2): Proof of geographical boundaries.	Geographical map submitted.

## VII- LEGAL ELIGIBILITY OF BIHU PEPA FOR GI REGISTRATION

From the above mentioned documentation we can trace legal eligibility as follows-

Criteria for GI Registration	Explanation	Bihu Pepa's Compliance
Unique Geographical Origin	The product must originate from a specific region with unique	The Bihu Pepa is inherently tied to the cultural traditions of

	characteristics attributed to that region.	Assam, with its origin along the banks of the Brahmaputra River.
Cultural Significance	The product must be culturally significant to the region or community.	The Bihu Pepa is central to Assam's Bihu festival and reflects the state's cultural identity.
Traditional Knowledge and Skills	The product must involve traditional knowledge or skills passed down through generations.	The craftsmanship of the pepa, including the use of buffalo horn and bamboo, is based on artisanal skills handed down over generations.
Unique Characteristics	The product must have distinctive features not found elsewhere.	The pepa's unique sound, high-pitched tone, and construction using buffalo horn distinguish it from other wind instruments.
Proof of Historical Usage	Evidence of historical or traditional use in the region.	Historical records tie the pepa to the Bihu festival and its use in Assamese musical traditions for centuries.
Economic and Community Relevance	The product should provide economic value or recognition to the local community.	GI registration would promote local artisans and enhance recognition of Assamese craftsmanship, benefiting the regional economy.
Potential for Protection under Law	The product must fall under categories protected under the GI Act, such as handicrafts, goods, or agricultural products.	The pepa qualifies as a handicraft under the GI Act and fits within the categories eligible for protection.

## IX-CHALLENGES AND PROSPECTS OF GI RECOGNITION FOR BIHU PEPA

The process of obtaining Geographical Indication (GI) recognition for the Bihu Pepa faces numerous challenges but has potential for cultural preservation, artisan livelihoods, and

economic growth. Currently, the Bihu Pepa has not yet been granted GI status, though significant efforts are made to protect and promote it as an integral part of Assamese culture, particularly during the Bohag Bihu festival. These efforts include gathering evidence of its traditional production processes, documenting its historical association with Assam, and proving its geographical uniqueness.

However, several legal, administrative technicalities come across when GI registration process is done. One major challenge is documenting the traditional knowledge involved in crafting the Bihu Pepa, as its production relies on intricate, localized methods, such as using buffalo horn and bamboo. Capturing these oral traditions and generational knowledge in a formal legal format is difficult one. Additionally, establishing the geographical specificity of the Bihu Pepa is complex, as variations of similar instruments may exist in other regions of Assam. This necessitates precise demarcation of the area of origin and uniformity in production processes. Another significant issue is the lack of awareness among artisans about GI registration, its benefits, and the legal procedures involved. Counterfeit versions of the Bihu Pepa from outside Assam further undermine the instrument's authenticity and market value.

To address these challenges, enhanced documentation and research is important. Detailed field studies, video recordings, and written testimonies from artisans can preserve traditional knowledge while meeting legal requirements. Collaboration with cultural organizations and government bodies can raise awareness and provide logistical support, including training artisans on the GI process.

If successfully registered, the GI status for the Bihu Pepa will unlock significant economic opportunities for artisans, enabling them to access premium markets and secure fair pricing for their craftsmanship. This recognition will support the sustainable development of traditional skills, reduce exploitation by intermediaries, and improve community livelihoods. Moreover, GI recognition will play a vital role in preserving the cultural heritage of the Bihu Pepa, ensuring that its significance in Assamese festivals, particularly Bohag Bihu, is celebrated and safeguarded for future generations. It will also promote Assamese identity on a global scale, fostering cultural exchange and attracting tourism to the region.

## **X-CONCLUSION**

The hypothesis that granting a Geographical Indication (GI) tag to the Bihu Pepa would help

preserve its traditional craftsmanship, protect its authenticity, and promote the cultural heritage of Assam is supported by several arguments. As a wind instrument crafted from buffalo horn, the Bihu Pepa symbolizes the spirit of the Bihu festival and reflects Assam's deep-rooted pastoral and agricultural traditions. Recognizing the Bihu Pepa as a GI-tagged product would ensure the survival of this unique craft amidst the challenges of modernization and industrialization, thereby preserving the indigenous knowledge and skills of the artisans.

The recognition of the Bihu Pepa would further strengthen Assam's identity as a cultural hub on the global stage. By highlighting the instrument's geographical and cultural distinctiveness, a GI tag would integrate the Bihu Pepa into India's broader narrative of celebrating its diverse heritage. This would also enhance the distinctiveness of the Bihu festival, attracting cultural tourism and encouraging cross-cultural exchanges.

Moreover, the GI tag for the Bihu Pepa would stretch India's global standing in the protection of traditional knowledge systems and cultural expressions. GI recognition serves as a legal and cultural assertion of intellectual sovereignty, ensuring that valuable cultural artifacts like the Bihu Pepa are shielded from misappropriation and commodification. This initiative resonates with the broader objectives of safeguarding traditional knowledge, which holds not only economic value but also ecological, historical, and cultural significance.

In addition to cultural benefits, GI recognition would promote sustainable artisanal practices and the conservation of natural resources necessary for crafting the Bihu Pepa. These efforts align with global sustainable development goals, emphasizing the importance of balancing cultural preservation with environmental sustainability. Protecting the Bihu Pepa ensures that regional traditions continue to contribute meaningfully to India's national growth narrative, reinforcing the importance of cultural diversity.

In conclusion, the analysis supports the hypothesis that granting the Bihu Pepa a GI tag is a transformative step toward protecting a cultural artifact, asserting the significance of traditional knowledge systems, fostering cultural pride, and enhancing India's global stature. By safeguarding the Bihu Pepa, India not only preserves a unique cultural artifact but also strengthens its position as a protecting traditional knowledge and cultural heritage.

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