

# AI AND HINDUSTANI CLASSICAL MUSIC: A NEW FRONTIER IN COPYRIGHT LAW

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## ABSTRACT

*Hindustani Classical Music represents one of the world's most sophisticated and enduring musical traditions, with its deep historical roots and complex melodic structures, has long been celebrated for its emotional voicing and cultural abundance. This millennia-old cultural institution is characterized by its reliance on the Guru-Shishya Parampara, subtle melodic ornamentation (meend, murki etc), and the spontaneity of real-time improvisation. Artificial Intelligences is computer-programmed technology that can understand and mimic human emotions. Artificial Intelligence uses there past experience and present data to make suitable outcomes. Artificial Intelligence and copyright are gradually involving in area of creativity. This paper range over the implication of AI- generated music on existing copyright laws. Is creative work in Hindustani classical music is protected? And if they are not protected how can be protected?*

**Keywords:** Hindustani Classical Music, AI-generated music, Copyright Law

## Introduction

Hindustani music is a form of North Indian classical music that incorporates improvisation guided by fixed melodic (raga), rhythmic (taal) and structural framework. In this era of Artificial Intelligence one of the most fascinating topics is the creation of music. There was a time when AI was a tool for automation, now it is emerging as a creative platform, capable of composing music, writing script, and generating music. By algorithms and machine learning capabilities AI is now generating original composition. AI-generated music presents new challenges for Intellectual Property (IP) Laws which was traditionally based on human creativity. Due to which the question of authorship and copyright ownership is arising.

There are many AI tools (application and software) that are now capable of composing original music based on algorithms and vast datasets. But in existing legal copyright laws, works that are not authored by humans present challenges in terms of intellectual property protection.

## AI generated music

AI-generated music is a rapidly growing technology work on algorithm rooted in artificial intelligence. These algorithms try to mimic exact pitch, range or tempo found in an established music track. This process involves input of specific prompts of desire. These prompts guide AI algorithms and they manipulate data to generate unique musical composition. The AI platform collect data form music streaming platforms and the gathered data is then analyzed and utilized to train a supervised algorithm to make new compositions. These compositions may be either be fully autonomous (AI with no human input), or AI-assisted (AI tools with support of human creator). AI can even mimic the artistic voice of musician and generate visual content like 3D videos, AI generated videos.

AI tools such as OpenAI, MuseNet or Goolge's Magenta are now composing original music based on algorithm and vast dataset. These tools can generate music not different from human musicians by using mood, genre or style of any artist. Yet this work is not authored in the presence of any human, challenges in terms of ownership.

## Copyright Law

The concept of copyright was developed from the early 16<sup>th</sup> century onwards. Copyright law is the guardian of human intellect. while discussing legal matters, it is important to have a deep understanding of "ownership and authorship" in the context of "copyright law", and this is the foundation of new era. Copyright Law gives rights to creator of original works. The law allows the creator to control the reproduction, distribution, and public performance on their creation. Copyright law gives author both economical and moral rights. Section 14(a) to Section 14(e) Copyright Act, 1957 defines the meaning of copyright and it includes all right which existed over a copyrighted work. The copyright is only made available to an actual creation. In Copyright Act, work can be copyrighted only when there is sufficient human intervention. AI complicates these theories. Since AI is new trend in every field, The traditional copyright laws were not designed to accommodate the new complexity introduced by AI. Due to lack of provisions related to AI-generated content, legal scholars, legislators, and industry stakeholders facing many problems that how to apply existing laws in this new trend of AI.

There is involvement of emotions human creativity especially in Hindustani classical music where improvisation is highly expressive. Machine creativity is data based. AI works on algorithm, it learns patterns from bulk of data, recombines them and produce some new output, which is totally lack of subjective experience. These hybrid scenarios challenges, in terms of authorship and require nuanced legal interpretation.

### Legal Analysis: Section 2(d)(vi) and Computer-Generated Work

The Indian Copyright Act, 1957, its framework through section 2(d)(vi), which includes “computer generated literary, dramatic, musical or artistic work” the definition of works eligible for copyright, designating the person who causes the work to be created as the author.

However, this provision exists earlier modern and highly autonomous AI. Now days the computer-generated work operate with minimal human input (often just a prompt), producing outputs that are often described as "unforeseeable" and lacking the requirement of individual involvement. These outcomes lead to a dilemma: AI-generated works may satisfy the technical criteria of novelty but cannot be legally owned, creating a legal gap in the law.

### Defining Copyright Boundaries in Hindustani Classical Music

Indian Copyright Law draws a critical difference between the fundamental elements of Hindustani Classical Music and their specific creative expressions. The Delhi High Court says that Ragas and Talas, as basic musical structures or scales, stays in the public domain and cannot be copyrighted by anyone.

However, the law acknowledges that originality exists even within tradition. A specific composition (Bandish or Gat), which involves the unique arrangement of notes, rhythm, and musical phrases by a composer, can be protected if it shows originality. This historic judicial recognition brought classical musicians squarely within the purview of modern copyright law, confirming their status not merely as custodians of tradition, but as original artists. Furthermore, the distinctive performance itself, including the spontaneous improvisation inherent in Hindustani Classical Music, is protected by Performer’s Rights, reinforced by amendments to the Copyright Act in 2012.

The ability of AI models to analyze and learn the structural elements of Hindustani Classical Music has deep implications on the future economy of music. Because the core Raga framework is considered as public domain, AI developers are positioned to exploit this legal loophole. While AI models are trained on copyrighted performances, which contain the protectable expression and performer rights and their outputs are derived structurally from the unprotectable Raga framework. This approach allows developers to argue that their music is based on public domain data. This process inherently prioritizes the quantifiable, technically reproducible musical structure over the cultural value, genuine human creativity.

The manipulation of music is being more complicated by the use of highly analytical music detection AI. Application like Naadsadhana perform real time processing to analyses performance data, including modality and volume modulation and this process data is use to train AI models. AI is not just learning raw sound, it analyzes the analytical structure of human music.

**Legal Status of Hindustani Classical Music Under Indian Law**

Hindustani Classical Music	Nature	Legal status in India	Implications of AI generation
Ragas	Foundational Structure	Public domain (Not Copyrightable)	AI can use Raga rules freely without licensing.
Talas	Foundational Structure	Public Domain (Not Copyrightable)	AI can use standard Talas freely
Bandish/Gat	Original Arrangement	Copyrightable	Replication is infringement; substantial similarity requires licensing
Live Improvisation (Alap/Taan)	Performer's Unique Expression	Performer's Right (50 years protection)	AI synthesis based on the unique performance is a violation of neighboring right
Gharana Style	Traditional Cultural Expression	Unprotected	Highly vulnerable to mass-appropriation by AI

### Conclusion

In conclusion, the impact of AI on Hindustani Classical Music has helped in transformative possibilities while arises many complex legal challenges, particularly in the context of authorship and copyright protection. Traditional copyright framework totally depends on human creativity and originality. Everyday AI is producing something new in the field of music. As AI try to

mimic exact pitch, range or tempo found in an established music track and producing music that mirror human artistry, questions of ownership and intellectual property rights increasing. This paper emphasized the need for a reimagining of copyright law. It can be done by reinterpretation of existing law or by making totally new copyright law so that the human creativity and originality remain protected from any technological innovation.

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