
SOCIO-LEGAL CHALLENGES FACED BY THE ARTISANS OF GEOGRAPHICAL INDICATION PRODUCTS IN THANJAVUR DISTRICT

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ABSTRACT

There is a wide and a unique range of Geographical Indication products in the district of Thanjavur. No matter how much unique the products are, the Artisan community often face struggles such as lack of recognition, limited market access and middlemen exploitation. More than that, they also face a lot of legal challenges and difficulties in protecting their Intellectual property rights. The Artisans of Thanjavur must be trained on Geographical Indication laws and regulations to address these issues. To protect their rights and navigate the complex legal system it is important to get the Artisans access to legal education, training, aid, and resources. In addition, to encourage the Artisans to sell their products both locally and internationally it is important to have collaboration with the Government and the non-profit agencies, which will also support them to promote their products. It is a prime duty to empower the Artisans of Thanjavur to promote economic development and their culture. By addressing these issues, the Artisans can get the necessary support and it will also boost them to continue doing their artistic work.

Keywords: Artisans, Thanjavur District, Geographical Indication, Socio-Legal Challenges.

Introduction:

The main objective of the Geographical Indication is to protect the Artisan products from the industrial operators, who sell their products without their permission and market their goods as genuine authentic products in the market for a cheaper cost which can create an adverse effect on the lives of the Artisans. Geographical Indication not only helps to gain the Artisans financially, but also offers them legal protection in the WTO countries by exporting their goods.¹ Artisans on a particular Geographic origin who work a lot to promote and sell their unique traditional products must be recognized Globally. Furthermore, Geographical Indication helps the product to be generic. A product loses its Creativity, genuineness, and authenticity when a replicate version of the same product is produced in huge quantities as generic version in the market. Because of this most Artisans are rendered jobless, as they have devoted their lives to making such traditional products for generations.

The Geographical Indication safeguards them against any infringement and provides them with both civil and criminal remedies. But goods which are registered under the Geographical Indication of Goods (Registration and protection) Act, 1999, are entitled for these remedies. Many traditional arts which involve a huge dedication of the Artisans are left unappreciated these days. Geographical Indication ensures that these traditional arts which are known for its distinctiveness in a particular origin are preserved. Additionally, Geographic Indication also provides legal protection for these products and the manufacturers against any misuse, fraud, or misappropriation. Therefore, granting Artisans with GI status helps them to distinguish their products from that of others and encourages them to raise their standards, stops unauthorised use and helps them preserve and promote their traditional knowledge for sustainable development.²

Thanjavur Artisans are known for creating various unique handicraft products such as the Thanjavur veena, Thanjavur Art plates, Thanjavur pith works, Thanjavur paintings, Thanjavur dolls which not only hold a historic value but are also aesthetic in nature. The Artisans face countless challenges in preserving and protecting their traditional crafts which includes less access to modern technology, changing market demand, less business strategy and lack of resources despite their rich artistic tradition in the origin. These obstacles not only create an

¹ Dhanavarshene V, "Critique on Protection granted to traditional handicrafts by Geographical Indication of Goods Act, 1999", 2 IJLRA 4 (2023).

² Sunil Sushakar Varnekar and Dr. Upankar Chutia, "Geographical Indication and handicrafts: A critique", 3(1) IJCLLR (2022).

impact in the lives of the Artisans and their families but also creates a threat to carrying on these age-old arts to the upcoming generations.³ In an ever-evolving world where these age-old arts are overshadowed by the mass-produced goods, the Thanjavur Artisans are endangered and fighting so hard to keep their work alive.

Thus, empowering these artisans is beyond protecting their traditional heritage or promoting their traditionally handmade products as it is vital to ensure the livelihood of the Artisans indulging in these practices. Thus, we can create a more comprehensive and sustainable atmosphere that would encourage and support the endowment of the Artisans by addressing these challenges.

This Article explores the Socio-Legal challenges faced by the Artisans of Thanjavur District and employ various methods to empower these Artisans.

Thanjavur District:

Tamil Nadu holds a prominent position in the Indian Handicraft Industry because of its tradition and culture. Thanjavur, thus known as the “Granary of Tamil Nadu” or the ‘Rice bowl of Tamil Nadu’ plays a very significant role in the handicraft sector. Thanjavur is often known for its traditional arts and crafts such as Thanjavur dolls, Thanjavur Veena, Thanjavur Pith Works, Thanjavur Art plates, Thanjavur Paintings etc. It is also well known for its music, silk, weaving, agriculture. Thanjavur is also known for having exquisite and skilful Artisans for their handcrafted traditional age-old GI art forms. These Art forms are deeply rooted into the origin of Thanjavur District.⁴

Geographical Indications and Handicraft Sectors:

Geographical Indication is one of the Intellectual Property Rights, that grant a collective right to all the authorised users having a Geographical Indication Tag in a particular origin. As more companies and powerful individuals are evolving, it is vital to protect the traditional knowledge from being exploited. Through generations, Thanjavur has got a wide range of recognition for its handicraft goods. Many Artisans who indulge in making these tradition old crafts live in rural areas and pass on these to the future generations.

³ Dr. k. Leelavathy, Problems and prospects of handicrafts artisans in Thanjavur District, (Archers & Elevators publishing house, Banglore, 1st edn., 2008).

⁴ P. Abirami, M. Velavan, S. Arunkumar, V. Vijay Anand, J. Sivasubramanian and G. Abirami, “Indian handicrafts and its challenges faced by artisans’ community” 14 IJER 2, (2017).

Handicrafts and Traditional Handicrafts are not defined as the same until the introduction of the Geographical Indication Act, 1999. Prior to this Act traditional handicrafts are defined as those which are made with the help of simple tools with hands and has artistic nature, which includes both functional and decorative items. Though GI Act, 1999 only protects and promotes traditional handicrafts.

Geographical Indication of Goods (Registration and Protection) Act, 1999:

The objective of this Act is to safeguard the authorised product and prevent the unauthorised users from benefiting out of the product. The GI tag gives power to the holder to stop anyone from unauthorized use of his product. GI has made it easy for the Artisans to protect their work over a specific origin, as GI is a part of Intellectual Property Rights. This is addressed by the Paris convention for the protection of Industrial property. GI is further Governed by the Trade Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organisation (WTO).⁵

Under Article 1(2) and 10 of the Paris Convention, Geographical Indications are covered as a part of Intellectual Property Rights. GI ensures both quality and distinctiveness of the product as the key factor is the origin of the product. It is also defined under Article 22 and 23 of the TRIPS Agreement.

Definition of Geographical Indication:

Section 2(1)(e) of the GI Act, 1999 defines the term ‘Geographical Indication’.

GI is defined as any natural, agricultural, or manufactured products which is originated in a particular place of origin of a nation where it primarily focuses on the quality, reputation and characteristic of the product which belong to that origin. Any name of the origin which is not the actual name of the nation can also be protected under a GI.⁶

Definition of a Producer:

Section 2(k) of the GI Act, 1999 defines the term ‘producer’.

Since the definition of a producer is broad it not only covers producers, but also traders, middlemen, dealers as those people who indulge in packaging of the products, retailers etc. so,

⁵ Trade related aspects of Intellectual Property Rights, 1995, https://www.wto.org/english/tratop_e/trips_e/trips_e.htm (last Visited on June 29, 2024).

⁶ The Geographical Indication of Goods (Registration and protection) Act, 1999, <https://www.ipindia.gov.in/act-1999.htm> (last visited on June 29, 2024).

to avoid any unwanted consequences, it is better to get GI registered by the authorised users. The authorised users must have a copy of their application as producers which states the eligibility of producers in the GI registry. Once it's registered in the registry, it will be published in the GI Journal as Authorised Users. And if no one opposes it, it will be registered in the GI journal.⁷

Definition of Authorised Users:

Section 2(b) of the GI Act, 1999 defines the term 'Authorised Users'.

An authorised user is a person who has the right to create, manufacture and distribute products that belong to his Geographical origin. An authorised user can be registered by any producer. People who engage in certain activities such as production, trading, dealing are defined to be as producers. And a person can write an application if he is to be registered as an authorised user with a prescribed fee. Further if his GI is violated, he has the right to sue against the opposite party.⁸

Part-A and Part-B Registration:

Section 7 of the GI Act, 1999 states about Part-A and Part-B Registration.

The controller- General of the patents, designs and Trademarks is the registrar of the Geographical Indications. They are appointed by the Central Government under section 3(1) of the Trademarks Act, 1999. The central Government has the duty to appoint an individual to do the Registrar's duties. Furthermore, documenting a GI may contain the name of the community or the authorised users, their address, and the claims of the proprietor under Section 6 of the Act.⁹

Challenges encountered by the Artisans of GI Products:

The Artisans of the Thanjavur District face a lot of hindrance and hardships in protecting their authentic products. As it is hard for the genuine artisans to get minimum government support and initiatives. Though they carry out the traditional old art forms for generations, it is yet hard for them to even find a better working place with all facilities they need. As the infrastructure is not helping them a lot to carry out the business in a positive way. One platform to showcase the work of the Artisans is various exhibitions and tradeshow. Yet they don't get the maximum

⁷ *Ibid.*

⁸ The Geographical Indication of Goods (Registration and protection) Act, 1999.

⁹ *Supra note, 6*

amount of recognition they deserve for their skill and talent. As consumers taste and preference has changed in recent times, it is very difficult for the artisans to cope up with the trend and it leads to lack of market opportunities and creates limited opportunities and sales to the Artisans.

The upcoming generation of the Artisan families are pushing them towards different employment opportunities because of the lack of sales and opportunities they get in this field. Further the Artisans do not have broader connection with the outside world, makes it another obstacle to market their products. Since, the Artisans don't have direct contact with the potential buyers, the middlemen taking advantage of this situation and buying their products for bare minimum price and sells it to the customers for highest amount. Shortage and increase in price of raw materials makes yet another challenge for the Artisans. Genuine Artisans try a lot to preserve these Arts forms despite the problems they face.

Artisans of Thanjavur:

This was the first musical instrument to get its GI in Tamil Nadu in the year 2013 under the category of Handicraft goods. It takes utmost patience and skills to carve a veena, as one Veena takes about 15 to 20 days to make to get its perfect finished look and tone. It is not a skill that can be crafted easily, as an outcome only skilled Artisans can excel this work.¹⁰

One of the most famous veenas of Thanjavur is Ekantha Veena, which uses an entire Jackfruit tree's bark. Few years back the Artisans would get the bark of the trees from their own village itself. Due to the development of Thanjavur, there came a lot of constructions. As a result, the Artisans don't have any Jackfruit trees left in their village. The Artisans now must go to Panruti to get their raw materials, which has raised in expenses.

Since, it takes about a month to carve a veena, the Artisan needs at least 2 labourers to work along with him, which is yet again a difficult task. As there are no labourers opting to work under these Artisans for low wages, as they get Rs.500 a day if they do carpentry work, which is way too high when compared to the wages these Artisans provide. Since mastering this Art and indulging in this age-old business does not pay a lot to the upcoming generations, they rather choose different field of employment, which results in dying of this Art.

One of the drawbacks of Thanjavur Veena is that it weighs too much and consumers these days are opting for electrical instruments which are light in weight, easy to carry and comparatively

¹⁰ Aparna Karthikeyan, the Veena makers of Thanjavur, The Hindu, <https://youtuellme.ai/thanjavur-veena-making/>. (last visited on June 29, 2024).

lesser in cost. The Artisans alone are not the ones getting affected by misuse of products. As customers buy their products from middlemen hoping that its authentic Thanjavur Veena and ending up receiving misrepresented products from the middlemen. As the middlemen not only sells Thanjavur Veena but also other Veenas of the State. And it is a very clear statement that the Artisans of these Veena are not profited so much even after the granting of GI tag, which is sad but true.¹¹

The Artisans of Thanjavur Art plates go through a lot of difficulties to keep their art alive. These Artisans were praised during the Maratha period, but due to the rise in technology people are not opting to buy these art plates, as they don't feel it attractive these days. During the Maratha dynasty there were a lot of Artisans pursuing this craft. But there are only 150 to 200 craftsmen left as for now, which is a sad reality. Most people started pursuing different careers, where they get profit. Unimaginably, they are forced to focus only on Art plates, and not allowed to do any modern art out of those raw materials. Due to the heating of brass and other raw materials, the Artisans even face a lot of health issues.¹²

Thanjavur paintings is yet another area where Artisans face difficulties in Thanjavur. As, they are only focused on age old traditional paintings, like paintings of kings, God, and Goddesses etc. Customers these days prefer buying aesthetic modern and 3D arts, leaving these painting unnoticed. Even foreign tourists who come to explore these paintings don't show a lot of interest, as people's preferences has changed in this modern era. Due to this, it's become very difficult for the Thanjavur Artisans to get recognition both nationally and internationally. As Thanjavur paintings involve a lot of vibrant colours and small beads and gold plates, as this art involves so much care and patience to complete.¹³

Thanjavur dolls are one among the famous treasures of Thanjavur District. It is made up of clay, so only during the summer, it is the right time to make these dolls. As the Artisans cannot dry these dolls during the winter and rainy season. So, obviously the price increases, and the demand for the product decreases. People now a days are so much addicted to plastic toys

¹¹ Meenakshi J, Can India's Sacred Instrument save itself from extinction? <https://adventure.com/saraswati-veena-india-sacred-strings/>. (last visited on June 29, 2024).

¹² Dr. Kruti Dholakia, Dr. Jagriti Mishre, "Dhabla and Shawls of Kutch: Preserving Identity through Geographical Indication", 15 AJMR-AIMA 3(2021).

¹³ Ar. Kavya Popuri, Ar. Srishti Srivastava, "Recreating the traditional Thanjavur Arts and Crafts in Interiors", 7 JETIR (2020).

which are cheap and are easy to carry and its unbreakable. As Thanjavur Dolls if not maintained properly, there's a lot of chances it can be broken.¹⁴

Pith Work or commonly known as the Netti works of Thanjavur is one of the Traditional methods of carving different structures using the Shola pith plant, which is only available near the banks of water and are very hard to find those plants these days, as many water bodies are being used for construction purposes. So, the raw materials are hard to find and it costs double the amount.

So, all these Artisans and various other Artisans who poses a GI tag go through a lot of struggles, such as lack of raw materials, limited market demand, price fluctuations and exploitation by the middlemen and the other big industries. To address these difficulties faced by our own Artisans, it is essential to have a stronger GI protection and Government support.

Loopholes in GI Act:

Though the aim of the GI is to protect the authenticity of the product and to provide protection to the producers against any misrepresentation, it is not stringent enough to provide the ultimate solution to safeguard the small-scale industries from large multinational competitors. The GI Act also does not provide clear explanation, which makes it difficult for the actual producers to take any action against the unauthorised users. Since, traders are not defined under the GI Act, and they can sell products from different origin, it is difficult for the authorised users to find such infringements and provide evidence to file a suit against such infringements it takes place in a different Geographic origin.

Running behind misuse of products and filing suits against the unauthorised users may be cost and time consuming for the small-scale Artisans, which makes it another lag in GI Act. The Artisans are mostly from the rural region, so they don't have knowledge about the legal enforcements and not aware how GI Act works to protect their product. Since, GI Act does not provide with any protection Globally, it is hard for the Artisans to safeguard their products if it gets misused in the international market.¹⁵

¹⁴ Dr. Manju Smita Dah, Prof Bindhu Bhushan Mishra, "Problems of Handicraft Artisans: An Overview", 9 IJMSR, (2021).

¹⁵ Dr. B. Baskaran, K. Manikandan, "A Study on problems faced by craft tourism industry in Thanjavur District", 12 TQJQI, (2021).

Conclusion:

Thanjavur is well known for its exquisite traditions they possess. Though it's a matter of pride, the Artisans there face a lot of difficulties which are left unnoticed, which makes it an issue. As the Artisans live in rural areas, they don't earn so much in their Artisanal work, which affects their livelihoods as well as their business at large.¹⁶ The Artisans don't have direct contact with the outside customers, so they are forced to sell their products to the middlemen for lower cost, which is comparatively very less. The demand for GI products increases only due to its quality, characteristics, and reputation. If these three criteria are being violated the state must take necessary steps to prevent such exploitation.¹⁷

Suggestions:

- The Government could open a hub for these Artisans, which would bring more foreign tourists and buyers.
- There could be more exhibitions and trade fairs just with the motive to preserve and promote these Artisans and their crafts.
- In case of Thanjavur Veena, Government could open more music colleges, where they teach music and sell the musical instruments made by the Artisans.
- There could be websites opened for these Artisans and awareness programme can be conducted on how to use these online websites to sell their products internationally.
- Strong Amendment could be brought in the definition of producer in the GI Act, 1999.
- A lot of seminars and field trips can be conducted to the upcoming generations, which would teach them the importance to safeguard these age-old traditions.
- Since, it's hard for these Artisans to get enough fund in the bank, the Government can support them by funding them and help them get their raw materials for reasonable cost.

¹⁶ Amisha Shah, Rajiv Patel, "Problems and challenges faced by Handicraft Artisans", 6 ISSN (2017).

¹⁷ Kavana Rao, and Artisanal Industry: An overview, <https://blog.ipleaders.in/gi-and-artisanalindustry-an-overview/>, (Last Visited on June 29, 2024).