Geographical Indications (GIs) have progressively become a global phenomenon, with their recognition both in National and International Law. The debate over this peculiar kind of Intellectual Property Right has been affected by a certain number of “ideological” assumptions. GIs have been trapped in the debate over the monopolistic effect of Intellectual Property Rights (IPRs). After the adoption in 1995 by the World Trade Organisation (WTO) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), several scholars have argued that legislations on IPRs, both at the National and at the International level, failed to reach a fair balance between two conflicting interests: the private monopoly and the economic reward for human creativity, on the one hand, and the wide dissemination of knowledge for the society as a whole on the other. These criticisms have affected patents and copyright in particular and, to some extent trade marks.

GIs are a peculiar type of intellectual property asset. The monopoly over a geographical name is not an exclusive right in relation to a certain category of products, like in the case of patents. There is no factual link between a stronger legal regime for GI protection and reduced competition in the International Trade of origin-guaranteed products. GIs present limited risks of reducing competition in the market place, and rather have the potential to promote competitive behaviours among producers keen to differentiate their offer of goods through improved quality. Consumers also benefit from GIs as they reduce transaction costs in their search for “niche products.”

GIs have been blamed to have “development – unfriendly” characteristics that would just serve the interests of some developed countries and a few emerging economies. However, the practical experience of millions of producers around the world shows how this peculiar kind of IPR plays a key role in the
development of poor communities. For instance, the Researcher in this work has highlighted how the Handicrafts Sector in Jammu and Kashmir would be beneficial in improving the socio-economic conditions of the artisan community who toil hard to create the master pieces with aesthetic essence which are always beyond human imagination in general and economy of the State in particular. Handicraft sector is the second important after tourism for foreign exchange earnings in the State.

Unlike Patents and Trade Marks, which require an innovative knowledge capable of industrial application, GIs are generally based on minimum levels of innovation. Developing countries and Least Developed Countries (LDCs) are rich in this kind of traditional knowledge, generated and transmitted over generations, and can use GIs to transform it into marketable product of value. Therefore, GIs have the potential to serve the interests of poor communities by promoting traditional knowledge preservation and economic development. Moreover, GIs apply to agricultural goods and handicrafts sector in which developing economies have a competitive advantage. Geographical names can be used to transform producers of generic goods in these countries into exporters of high-quality agribusiness and handicraft developing countries and LDCs, and has a tremendous potential in terms of income distribution. In this context, it is worth mentioning that several studies show that a “collective approach” among producers and the various actors within the value chain (e.g., define production standards, set up a common platform and agree on governance rules, deal with quality control issues, elaborate common marketing strategies) is recommended to increase the chances for a GI to be successful. This “collective approach” could generate economies of scale that are beneficial for producers, especially those small actors in poor countries that do not have a critical mass to carry out the above-mentioned activities on their own. It is clear that any collective approach requires GI producers to strike an
agreement over a certain number of key issues, such as production rules and the boundaries of the production area.

The protection of Geographical Indications (GIs), has over the years, emerged as one of the most contentious intellectual property issue in the realm of the WTO. It is an issue, which is still generating significant controversies, the outcome of which involves enormous significance for a country like India, which has in its possession a number of world renowned GIs including Darjeeling tea, Coorg orange, Kashmiri Kani, Pashmina and many more.

Although an effective protection for GIs is of considerable importance for a country like India which is richly endowed with natural and agricultural products, there was no separate legislation on GIs until the enactment of the Geographical Indication of Goods (Registration and Protection) Act, 1999. This Act came into force with effect from 15 September 2003. The GI Act was passed as a part of the exercise in the country to set in place national IPR laws in compliance with the India’s obligations under the TRIPs Agreement. TRIPs Agreement provides that unless a product is protected in its country of origin, there is no obligation on other WTO Members to offer reciprocal protection to such products in their own countries. The Central Government has established the GI Registry with all India Jurisdictions at Chennai, where the right- holders can register their respective GIs. The goods eligible for GI registration may be, agricultural goods, natural goods, manufactured or man-made goods, handicrafts, industrial goods and food stuff.

Craft is man’s first technology, the technology of hand. A craft at its finest represents man’s need to create simultaneously with mind and hand. A fine object is intended not only to be aesthetically pleasing. It is essentially a skilled solution to a specific need.
Of talented artists living in poverty, they recognise that in the natural evolution of things it is neither possible nor desirable to preserve every single piece of the past. Except in a Museum setting, they point out, no traditional craft skill can live on unless it has a viable market.

Handicrafts form a valuable cultural trait of a society from the beginning of civilisation. The cultural pattern of a society is reflected through the quality crafts and craftsmanship of the people. The term handicrafts include those products of a specific community which are produced manually with their indigenous technology. The handicrafts of a society often become the chief means of livelihood. It fulfills their daily requirements and provides employment to the members of the households of the society. So handicrafts play a magnificent role in the socio-economic development of a society.

The valley of Kashmir is blessed with placid lakes, glistening meadows and wonderful variety of flowers and birds. The vale of Kashmir has a jewel-like setting, ringed by the snow-clad Himalayas with an extraordinary combination of flat lands, lofty mountains, crystal streams, pine forests and shady chinar groves. These provide perennial inspiration to the craftsmen of the region.

Craft today is at the cross-roads and the craftsman is in an uneasy situation. Since the middle of the nineteenth century, industrialisation has proved a formidable competitor to hand crafted goods. These crafts are often exported or copied without the consent of the crafts people, thereby, depriving them of earnings that are rightfully theirs. The craftman’s market situation has radically changed, while his standard of living has not.

Kashmiri craftsmen have often complained that imitations of original handicraft items made outside Kashmir undercut the real handicrafts of Kashmir thereby threatening the entire traditional handicraft industry including livelihood and highly developed skills. They sought the establishment of some
mechanism to prevent the destruction of a heritage that distinguishes Kashmir within India and around the globe. Keeping this in view the Prasad Committee recommended that measures should be taken for “promoting handicraft exports with Kashmir as a brand name including the possibility of applying Geographical Indications under the GI Act, 1999, encouraging exporters to adhere to quality standards”.

Kashmiri handicrafts play an important role in the economy of Jammu and Kashmir. According to official figures, the State annually exports handicrafts worth rupees 1700 crores approximately and provide direct employment to over 4 crore people. It makes a good economic sense to protect them legally under the GI Act, 1999.

Kashmir is the home of numerous artefacts in which Shawls, Wood craft products, Papier Machie products, Metal wares, Namdha, Gabba, Chain Stitch and Crewel embroidery, Khatambandh, hand-knotted Carpet, Sozni embroidered crafts, are worth mentioning.

Among the craft items of Kashmir, the first item which has been registered as GI is Kashmiri Pashmina. Another type of unique shawl from Kashmir is the Kani Shawl which has a distinct antiquity. It has enticed the aesthetic buds of the craft lovers since ages. Application for registration of Kani Shawl as GI was made by the Craft Development Institute. It is the GI Application Number 51 and falls in Class 25 of the Fourth Schedule appended to the GI Act, 1999.

The Application for registration of Kashmiri Sozani as a GI in part A of the Register was made under section 11(1) and Rule 23 of the GI Act, 1999. The applicant was “TAHAFUZ” which is a registered society for the protection of Kashmiri crafts.

Basically the word “Sozani” is a Persian derivative. The word “Sozani” means “needle” and “Sozankari” the needle work. The person who performs this craft
is called the *Sozankar*. There are similar words in Kashmiri Lexicon. For example *Sozan* in ancient Kashmir language meant a wise man. The 13th century mystic poet *Sheikh-ul-Alam* (R.A) has used this word in one of his couplets called Shalok in Kashmiri. He says:

“*Sozan Ishara seeten Bozan kozan Bozan Na Dum Duma Gath*”.

(Meaning: The wise will understand by small hints, while as, fools will not understand even if we cry a loaf.)

There is perhaps no feature of Indian Art that manifests so great a diversity nor so many points of interest as that of wood work. No aspect of Indian Art can have so much to teach the student as that of wood work. *Khatambandh* is one of the art forms of Kashmir. It is an art of ceiling-making by fitting small pieces of wood into each other in geometrical patterns. There is no doubt that this manufactured good originating from this region is the result of a unique combination of the geo-climatic conditions and socio-cultural history of the region. When a commoner looks on *Khatambandh*, he losts in an imaginative world by thinking that whether really these are the human hands and mind which work together to create such an artistic creation. The designs are developed free-hand by Kashmiri artisans. Kashmiri *Khatambandh* is a registered GI. It was filed for registration as GI under Application Number 204. The application was filed by the Craft Development Institute, Srinagar.

Wood Carving is also one of the marvelous crafts of Kashmir made of walnut wood. The Walnut wood is considered the best wood for carvings. It was filed for registration as GI under Application Number 182. The application was also filed by the Craft Development Institute, Srinagar.

In the past, wars and manoeuvres of aspiring monarchs have often led to unexpected developments in the arts and crafts. This is the ironical background to the introduction of Papier Machie to Kashmir which was brought in by Zain-ul-Abidin after his return from captivity in Samarkand. A French term so
commonly adopted in the East as well as West and meaning “mashed paper”, Papier Machie is in fact a unique combination of line and colour or moulded forms of a variety of objects. It involves ornamentation in colour over smoothened surfaces built up of paper pulp or layers of paper. Kashmiri Papier Machie is a registered GI. It was filed for registration as GI under Application Number 181.

Jammu and Kashmir stands 10th on the basis of Geographical Indications registered. The Geographical Indication in Jammu and Kashmir is not very impressive because of its less number of products registered under the GI Act, 1999 despite rich ethnic and region-specific product range. Karnataka, for example, has registered 31 Geographical Indications for its ethnic and traditional goods. Jammu and Kashmir has so far obtained geographical indications only for 6 of its ethnic and region specific products.

There are a number of products from handicrafts sector which can form the potential candidates for registration under the GI Act, 1999. These crafts include Amlikar Shawl, Kashmiri Carpet, Kashmiri Crewel and Chain Stitch, Namdha Felt, Pinjirakari, Willow Wicker and other miscellaneous crafts such as Kashmiri Gabba, Metal Wares, Leather and Fur work, etc.

The handicrafts sector in Kashmir, despite having economic and social significance, currently face a number of threats and challenges which hamper its growth. Some of these issues are:

**High State of Decentralisation:** Most of the artisans working in the sector prefer to work independently, not collectively in any formal structure. Hence all the activities are decentralised, minimising their efficiency and production capacity. This independent working structure has a huge impact on the individual cost of raw material, transportation and other ancillary activities.

**Lack of Access to Credit:** At present most of the artisans engaged in the sector are from economically weaker sections, and constantly face problems due to
lack of resources. There is a huge deficit between their financial requirement (for daily expenditure and working capital) and their earnings. To meet this deficit they are forced to seek credit from local sources, traders and money-lenders, who charge a very high interest rate and have highly inflexible terms.

Scanty welfare schemes from the government have been forcing the artisans to leave this age-old trade. On paper some Health and Group Insurance Schemes, that provide the family of the artisans a free treatment cover, were introduced. But these benefits never pass on to them as the schemes are not implemented in the real sense of term. Majority of the artisans do not have any awareness regarding various activities affecting their craft directly or indirectly. There are artisans who have some knowledge about the various schemes being provided to them but the lengthy procedures and the poor response being shown to them by the authorities make them disinterested in any such activity. They consider every such activity as the sheer wastage of their time. Sometimes the artisans have to pay in order to get their cases forwarded for the allotment of funds. The poor artisans find it difficult to pay for the loans which they are supposed to repay with interest.

**Lack of Empowerment:** In handicrafts sector 80% of the workers are unorganised. Due to the existence of unorganised and informal structure, it has lead to high level of dependence of the artisans on external factors to support in various activities in the input and supply chain. These external factors are often found to be the middlemen (usually traders), who exploit these artisans for their own profits.

**Ineffective Training Programmes:** The training under Government Massive Training Programme lacks effectiveness. The goods produced in a training centre do not conform to market standards due to poor quality training and as such cannot sustain the competitive pressure in the open market. The trainees are mostly given elementary training and then left to their destiny. Spreading of training centres far and wide has made task of exercise of proper control very
difficult making the entire programme sluggish. Further, the trainees are not paid appropriate wages in training centres.

Training is not imparted in all crafts. For instance there are no training centres imparting training in Khatambandh and Pinjirakari crafts which form the part of rich Kashmiri heritage. The training programme though launched with a concrete purpose in hand lacks in clearly defining the objectives behind it. While conducting the survey it was found that there is no unanimity of opinion even among the administrative authorities with regard to the objectives for the realisation of which the programme was launched by the government. Some were of the opinion that the programme has been launched for preservation of cultural heritage while others think unemployment and economic backwardness to be the main reasons.

**Inadequate Raw Material:** At present majority of the artisans source the raw materials available locally (from natural resources, local markets, etc). Some of these artisans use recycled raw materials (mostly scrap) due to the inadequate supply or non-availability of good raw material. Due to the over-utilisation of the local resources, the artisans are forced to opt for alternate sources. This dependence on the external factors has resulted in non-timely delivery and heavy fluctuations in raw material prices.

**Inadequate Infrastructure and Technology:** The artisans are still using the age old technology and methods of production which are highly insufficient. This restricts their production capacity and the quality of output. This is due to the lack of awareness or knowledge about the availability of appropriate tools and technology and other developments in the sector. Reluctance among the artisans to incorporate these changes is also an important factor aggravating the issue. The lack of basic infrastructure and civic-amenities, high cost of importation, irregular electricity supply, sewage, work sheds, warehousing, etc. impact the development of the entire sector.
Investments in New Designs and New Installation Formulae: There is such a huge demand for existing traditional products that the artisans rarely feel the need to experiment and try new designs. This may prove to be a big roadblock in the growth of this industry in future. The most complex process in the art of Khatambandh is the installation process. It is the complexity of the installation process that has been the main hurdle in taking this craft to far off places. Unfortunately not enough time and money has been spent to simplify this process as this would have greatly promoted this craft.

Limited Access to Markets and Reaping of Benefits: The demand of handicraft products in the domestic as well as international market is huge, mostly governed by the buyers demand and requirements. Despite such a huge demand, only a fraction of artisans engaged in this sector have been able to utilise this opportunity, while most of the artisans have only been able to access just local markets. As a result these artisans are absolutely dependent on traders, acting as middlemen (known as dalaals), to sell their products in markets other than local ones. They have to sell their products to these middlemen at a little lower rate. The middlemen then sell it to other people higher up in the hierarchy which has the customer as the terminal point.

Reaping of benefits by the stakeholders is a challenge faced by artisans. Main stakeholders in handicrafts are a chain of persons who include women involved in de-hairing and spinning, clippers (Purzgar), weaver (Vover), washermen (Chalungar), dyers (Rangur) and many others. It is their labour and skill which is being reaped by the traders. They toil hard but receive less. It is their haplessness which is being exploited by the moneyed people who have access to global market. Those with the superior bargaining powers in the supply chain appropriate a disproportionate share of the economic benefits out of GI protection. Thus, benefits do not get percolated down to the weaker sections of the chain downstream, thereby nullifying to a large extent, the development implications of GI-protection. The artisans have kept these handicrafts tagged
with GI alive. In absence of adequate returns, new generations will prefer to move to alternative professions which is already visible.

In valley, for instance, more than 80% weavers/artisans work under job work arrangement with the manufacturers called “Wustkar” who himself may or may not be a skilled weaver. The broker intermediates between the weaver/artisan and retailer/exporter and negotiates the price depending on quality, look and finish. The payment to artisan is not instant and can stretch for months which is a common practice. This may over time make the traditional knowledge (TK) based product extinct.

The involvement of middlemen is responsible for the fluctuations of the prices of both the raw materials as well as the end products. Those artisans who make their own product do not find it easy to have direct access to the raw materials and believe that it is only upper class of the handicrafts segment that has control over the raw material. The middle men buy the raw material from different suppliers. Therefore, there is a scarcity of raw material in the market and the local artisans requiring the raw material in smaller quantities do not find it accessible. Some people also buy raw material in bulk and dump it and sell it at higher prices to the local artisans thereby making it difficult to them to be cost effective in manufacturing their own products.

**Competition from Machine-made Products:** With the increasing mechanisation of the production processes, the markets have been flooded with machine-made products, which were originally handcrafted. The handicrafts sector is facing stiff competition from such machine-made products, as these products are cheaper (due to high economies of scale in production) and have a high production output amongst other factors. Take the example of Kashmiri *Pashmina* Shawl. The Kashmiri *Pashmina* is being threatened by the influx of similar looking sub-standard counterfeit products sold in the name of original Kashmiri *Pashmina*. It is the artisans of Kashmir who have protected and sustained this traditional practice through difficult times. The same
practitioners are now up against every country and community who are not only imitating these crafts but are also claiming ownership over these practices. In these times, many main wool production centres like Amritsar and Ludhiana have also started production of cheap jacquard woven woollen Shawls copying the traditional *Pashmina* designs and marketing the same as “*Pashmina*”. These shawls are largely manufactured and are of inferior quality. Apart from these attempts, the other countries producing machine-made *Pashmina* products are also marketing their produce with the same “Kashmiri *Pashmina*” Brand even though they do not meet the quality standards. *Pashmina* type products are also being manufactured by China. These machine-woven shawls are competing with the hand-woven Kashmiri *Pashmina* and driving it out of business. This leads to the loss of traditional skills of the craftsmen and an erosion of their profits as the high cost genuine (hand-made) work is forced to compete with the low quality product. All this is being done in spite of the fact that the name “*Pashmina*” is inextricably attached to the region of Kashmir. In fact, when a product has the *Pashmina* tag attached to it, it signifies two things: one that the product has been made in Kashmir, and two, that the product possesses certain characteristics which owe to the unique method of manufacture followed by the people of that region. Both these factors which make *Pashmina* unique, are being misappropriated and abused, by the use of the name in loose sense by these other manufacturers. This rampant misuse of Kashmiri *Pashmina* demonstrates the urgent need for effective enforcement mechanism.

**Quality Control and Enforcement:** Quality, reputation and characteristics are three criteria to be specified before the registration of a GI. While the GI Act ensures benchmarking of reputation and characteristics, there is no provision for quality control before and after registration.

In the State of Jammu and Kashmir there is Jammu and Kashmir Handicrafts (Quality Control) Act, 1978 (herein after referred to as Q.C. Act) for the
improvement of quality of handicrafts and every manufacturer who is registered as such shall be allotted a Quality Control Mark which shall be stamped on a handicraft manufactured by him and the dealers who deal in such handicrafts should bear such Quality Control Mark (Q.C. Mark). But such quality control can be exercised only in respect of notified crafts. viz., Carpets, Chain stitch Rugs, Crewel and Shawls.

The Quality Control Act has many positive features but, the difficulty, however, is that the system has not worked. In the course of field-work, discussions were held with a number of persons to understand why the system had failed. Apart from the fact that some of the reasons may be attributed to the prevalence of disturbed conditions, the following explanations emerged:

(a) That even though several meetings of the Quality Control Council have been convened since its inception participation by members of the trade has not been adequate.

(b) The Council has not been able to agree on the standards or parameters of what constitute quality.

(c) The system of inspection is seen as intrusive as it gives the government too much power.

(d) The failure of the system pertaining to Namdhas is cited as a reason why this system is likely to be undermined.

(e) Some traders have suggested that apart from possible corruption the system will also lead to delays in meeting export orders.

(f) It is sometimes argued that the market itself regulates quality in the sense that most buyers, especially the bigger buyers know what they are buying. Further, the manufacturer has a reputation in the market which is sufficient to ensure quality.

Once legal rights over a GI are obtained, they have to be defended and enforced. This entails continuous monitoring of the markets to determine
whether counterfeit goods are being passed off. While rampant misuse of many Indian GIs demonstrate the urgent need for effective enforcement, the extent of misuse that has already cropped up makes the task rather difficult. Instances of misuse from within and outside the country are plentiful for Indian handicrafts and Kashmiri crafts are not an exception. For instance, the communities of artisans associated with Khatambandh feel insecure because they fear that their craft will be copied and result will be loss of their livelihood. Citing example of what happened to Walnut Wood Carving furniture craft, where people from Saharanpur, UP started to replicate the designs and styles from Kashmir which affected the Walnut Wood Carving furniture and accessories market. Products from Saharanpur were made of inferior Shisham wood much cheaper than walnut wood which affected the prices of the finished product. Common customers usually cannot differentiate between the quality of the product and most times prefer less expensive and cheaper products.

**Legal Hurdles and Post-GI Issues:** The GI Act facilitates registration of GI but creates hurdles also since the provisions of this Act lack harmony. This legislation is not comprehensive enough to safeguard the interest of craftsmen and there is no provision to protect traditional knowledge involved in making of handicrafts.

There are a number of issues and concerns in the context of harnessing the potential commercial benefits out of GI registration in India. One of the lacunas in the GI Act is that registered proprietor in relation to a GI defined as meaning any association of persons or producer or any organisation for the time being entered in the register as the registered proprietor of the GI. The term “producer” in relation to handicrafts means any person who trades or deals in such production, exploitation, making or manufacturing, as the case may be, of the goods. This definition does not distinguish between a real producer, retailer or dealer. As a result of this discrepancy the benefits of the GI Act may not percolate down to the real producer.
The biggest concern is near complete absence of an effective post-GI mechanism in the country. While domestic registration of a GI is relatively easy task and there has been some progress on this account over the last decade, it is important to understand that only registration of goods per se does not fulfill the objectives of the Act, unless it is backed by sound enforcement mechanism both in domestic and export markets. Benefits of protection under the GI Act will actually depend on how effective is the post-GI mechanism. Craftsmen in general and those associated with Shawl making in particular continue to be a distressed lot. *Kanihama*, a small village in Budgam District, was once known for its *Kani* Shawls. But now members of the families, who have been engaged in Shawl weaving for generations, are turning to other professions due to economic reasons. The moot question is— “Will GI be helpful in bringing back those thousands of weavers back into this famous craft who gave up the weaving as their livelihood was destroyed due to almost the same reasons GI Act is supposed to address?” Similarly some prominent items like *Kundan gari, Topi gari, Zarkoobi, Meena kari, glazed pottery, Jammawars, patch works in Gabba Saazi*, etc. have almost disappeared. How GI Act will be helpful in the revival of these crafts?

The above concern highlights the facts that essentially the litmus test for GI is whether it can effectively protect and promote the livelihood interests of the concerned producers or not, especially the poor producers.

**Suggestions**

1. Extensive gaps exist on operationalising GIs and this is where the focus of the Government needs to be. Well-crafted policies and strategies on post-GI mechanisms are required for marketing, distribution, branding and promotion of the Indian GI products to realise the commercial potential of Indian GIs. Without well designed policies and strategies on marketing and promotion of Indian GIs, their underlying commercial potential might remain unrealised. Specific schemes need to be set up to
support the pre-GI (awareness raising, information generation, assistance with application process) activities at various levels Centre, State and the community level.

2. There is a dearth of awareness in the area of GI. Efforts should be made to sensitise and make the concerned GI community aware through a series of workshops and consultations to ensure maximum level active participation in the process for GI registration. This will in turn translate into socio-economic benefits to the community flowing from GI registration post-GI.

3. The implications of GIs in the context of rural development in India need to be studied especially for the handicrafts sector that provides livelihood to a large section of the poor in India. Studies of the entire supply chain should be undertaken.

4. India has introduced and modified its IPR laws to take care of traditional knowledge largely biodiversity and medicinal knowledge. Crafts have not been given much consideration. The knowledge underlying GI remains in the public domain; hence misappropriation of embedded knowledge is not protected against. For example, some of the Kashmiri crafts are based on what in local language is known as taleem. This taleem is based on traditional knowledge and is copied script which can be prepared by a trained professional and read by trained persons only. The taleem cannot be accorded copyright protection as it is already in public domain and no individual is entitled to claim exclusive copyright protection over it. It cannot be protected under the Design Act as it does not satisfy the requirements of originality, novelty and no prior publication. The TK needs protection and it is to be protected under the GI Act itself.

5. The capacity of the stake holders to form an association is at the core of GI operationalisation. For example, the Tea Board of India in close
cooperation with Darjeeling Planter’s Association facilitated the registration of Darjeeling GI. This enables the stakeholders to have a common platform to interact and enter into dialogue. The existence of multiplicity of stakeholders within the handicrafts’ sector requires intervention by neutral third party agencies for the operationalisation of the entire process of identification, registration and enforcement, playing a role which does not favour any particular group or interest within the supply chain. The criterion is crucial in a sector like handicrafts where almost 80 per cent of artisans are unorganised. In addition, the GI Act of India stipulates that every producer who wants to use the indication must be registered. This implies time-consuming and bureaucratic procedures. This calls for an institutional mechanism to facilitate group registration.

6. Quality and GI are inseparable. In GIs there is as much emphasis on the quality of the product as is on its geographical origin. The geographical indication over time has become synonymous with the quality of the product. Thus, maintaining product quality is vital to the success of GI. This has been illustrated amply in the discussion on Kashmiri Shawl. In Sate of J&K, such quality control can be exercised only in respect of notified crafts. viz., Carpets, Chain stitch Rugs, Crewel and Shawls. Such quality control should also be maintained in respect of other crafts.

Each GI product should mandatorily through law maintain a Bar Code. The Bar Code should enable the prospective buyer to trace the origin. It is further suggested that Jammu and Kashmir Handicrafts (Quality Control) Act, 1978 and the GI Act, 1999 should be implemented together. The result would be the improvement of quality and maintenance of international standards and prevention of unauthorised use.
Government interventions in building brand equity are highly wanted because a private exporter or manufacturer cannot afford to invest in brand building, promotion and market development.

7. Regarding certification it is pertinent to point out that the GI Registry in India is quite lenient about the mechanism of certification. All registration made up to now have been accepted with a self-certification model. In other words the same organisation which proposes the application also certifies its own products. This, however, is not universally accepted. In Europe, for instance, self-certification is not accepted. An independent and recognised agency which specialises in certification is required to do the job. That is why, keeping the international market in mind, it is more appropriate that a model be adopted which is likely to be acceptable to countries where Kashmiri handicraft goods are currently exported or those to which they are likely to be exported in the future. Besides self-certification model may prove to be not only insufficient but also embarrassing when a legal challenge has to be faced in respect of fraudulent products. It will be even more difficult when products which have very close likeness have to be challenged because the authenticity of the original as well as the authenticity of the imitation will have to be established beyond doubt. Here again the certification by an independent specialist agency will put the craft products on much stronger ground.

8. In order to ensure that the handicrafts in question are of high quality, a campaign for quality consciousness needs to be launched. While the manufacturers and dealers should work along with government in this regard the campaign should ideally be led by other segments of society such as design institutions, academia and non-governmental organisations. Quality consciousness should appeal to the heritage dimension of the craft and to the collective pride of Kashmiri people. The
campaign should be supported jointly by the Directorate of Handicrafts and the State Government by funding seminars, workshops, demonstrations of high quality craft and their manufacture by master-craftsmen. Craft related activism is missing in Kashmir today as a result of which the interactions are limited to government and traders only. Individuals and organisations dealing with raw materials should be drawn into this campaign because quality inputs will lead to quality crafts.

9. Suitable infrastructure for measuring and testing should be provided for while setting up certification mechanism. Presently some testing equipments are available with different institutions but, they will not suffice; a proper laboratory is needed to be designed for the purpose. Manufacturers should be encouraged to bring raw material to the laboratory to have them tested even before using them for manufacture. This will remove the feeling that the laboratory is only part of a policing mechanism. Finished products or samples of finished products will in any case be tested at the laboratory. Once the certification mechanism is set up, products made and marketed by government agencies and emporia should also be subjected to certification process. The label should not only constitute a certification mark but should also declare the materials from which a product is made and their specification. This should be done efficiently and expeditiously so that manufacturers and exporters are not frustrated by procedural delays.

10. Registration under GI Act in India should be widely publicised within the country especially among the niche top and buying public. Simultaneously efforts should be made to register them in foreign countries especially Europe, Japan and United States.

11. Cooperative has become the most popular device wherein several individuals join hand-in-hand mostly workers which help them to save themselves from the clutches of middlemen and to produce and market
their products directly. This movement has not been able to gain strong roots in Kashmir so far. The common rule is that for deciding any matter, it is obligatory that one shall have knowledge and conceptual clarity of the theme one is deciding. For the purposive decisions leading to establishment of co-operatives, it is essential that the people are educated about the benefits of cooperative way of working so that a healthy cooperative movement is developed and promoted.

12. The government should clearly define the objectives of the training programme. In case the programme is for economic development, then the preservation of cultural heritage becomes a negligible factor. In case the programme is for curbing the problem of unemployment, then instead of preserving our traditional designs, much attention is to be paid to marketing research to place the goods in the hands of a customer according to his tastes, likings and desires so as to fight against competitive pressures of the market and to generate more and more employment opportunities. Those who are trained should then be encouraged to start their units of self employment. Necessary infrastructural facilities are required to be provided to the trained persons. If the purpose is preservation of our cultural heritage, the same cannot be achieved by producing semi-skilled craftsmen rather it bears a tendency to cause a serious damage to the industry.

The Craft Development Institute (CDI) and the Indian Institute of Carpet Technology (IICT) may also open training centres at District Headquarters.

13. There exists a near absolute disconnect between the individual artisan and the market. The artisans who often work for the master weaver have no information for whom the product is produced and how it is marketed. There is a need of support from the government in making outlets available at tourist spots in peak tourist season on lease or rental basis in
order to make it possible for artisans to come in direct contact with the customers. Kashmir Chamber of Commerce and Industries (KCCI) introduced international buyer-seller meet to promote the Kashmiri handicrafts. Even as the aim of the meet is to open international market for our local artisans, pillars of this cultural industry, are least benefited out of this gala event. The government can instead explore the possibility of having a “golden hands” festival annually in which craftsmen can display their products and skill. The “golden hands” festival should aim at keeping traditional handicrafts alive. While the craftsmen display their work, they can also practice their arts at the same time and allow visitors to see how the goods are produced as well as the final products.

Besides holding of Kashmir specific local, national, international exhibitions, trade fairs, buyer-seller meets, handicraft showrooms and warehouses should be established in each State and one each at Jammu, Srinagar, Katra, Mansar, Pahalgam, Sonmarg, Gulmarg as permanent marketing support where handicrafts will be sold under “Kashmir Brand”.

14. The State Government should devise largely export-oriented measures for crafts of J&K. The Government should also devise a policy in order to make it possible for Kashmiri crafts to compete in the domestic market with the freely imported foreign goods.

15. There is an earnest need for sensitisation of the position and requirement of each craft of Jammu and Kashmir. This will be possible only through technological intervention, design development and value-addition, so that the crafts can be made worth appreciation to large consumer groups by fulfilling the contemporary demands.

16. The State Government should take an initiative for international registration of those crafts which have been accorded GI status in domestic jurisdiction in order to make the genuine stakeholders able to
fight legal battles in foreign jurisdictions in case of any possible infringement as is the case with Darjeeling Tea. Such stakeholders should be provided appropriate financial assistance in order to hire technical and legal experts in such foreign jurisdictions where violation takes place.

17. Handicraft sector is closely linked to tourism and any tourist visiting the valley is attracted to have a look at fascinating varieties of Kashmiri handicrafts and takes back with him a variety of these gifts. Here the Tourism Department has an important role to play. Under the Jammu and Kashmir Registration of Tourist Trade Act, 1978, the Tourism Department is vested with powers to check the menace of sale of counterfeit products. The Act empowers the Commissioner of Tourism to blacklist any trader involved in any malpractice.

18. There should be set up of a regulatory authority like J&K Art & Craft Revival, Promotion, Protection & Accountability Board (CRAB) or a Self Regulated Board comprising of representatives from the manufacturers, exporters, traders and eminent civil society members including state honoured artists, jurists and persons of unimpeachable integrity. The body may prepare a code of conduct for the sector with its own set of rules, regulations and penalties for violations. Besides supplementing efforts of governmental support structure, it can also work towards protecting our heritage, restoring the trust of buyers in our products and go a long way in creating a huge domestic and international demand for our treasured art & crafts. It could thus bring tangible earnings and prosperity to a sizeable segment of our society and pave way for an economic and cultural revival and expansion of the State’s handicrafts.

19. There is a need to establish raw material banks that may act as a source of good quality raw material. Bulk purchases by the raw material bank will reduce purchase cost as well as transportation costs of the raw
material. Raw material banks should source raw material at reasonable prices and the traders presently in the supply chain will be linked up with the bank wherever possible to make quality raw material available to the weavers at cluster level. The banks should ensure the supply of Cotton, Wool, Silk and *Pashmina* Yarn. Further it is also recommended that Raw Material Bank Scheme for *Khatambandh* and Walnut Wood Carving artisans be made operational as Government of India has provided a revolving fund for the same to the J&K State Forest Corporation for implementation.

20. Improvised looms, tools and accessories should be introduced which will increase productivity, comfort level of artisans and quality of weave and the product.

21. The various artisans are suffering from the multiplicity of registration through the various government and non-government agencies. The registration process is cumbersome and affects the earnings of the artisans as they have to run from pillar to post for registration in order to avail the benefits of various schemes launched from time to time by the various agencies of the State and the Central governments. Self help groups can prove to be a one stop shop for the registration of artisans. Self help groups can also make artisans aware about the various schemes and facilities that the illiterate and semi-illiterate artisans are not aware of.

22. We should take immediate steps to register our GIs as domain names [Top Level Domain Names (TLDs)] including Country Coded Top Level Domain Names (CCLDs) in the Indian sub-continent, as there have been many instances of third parties registering domain names for certain well-known marks with the intention of extracting money by selling these domain names to the right holders. Should we discover that our GIs are being infringed, we should take immediate steps to protect them,
either by the means of filing oppositions, cancellations, conducting investigations, sending cease and desist notices or initiating appropriate civil and criminal actions.

23. The Jammu and Kashmir government should make arrangements for providing technical and legal advices to institutions, registered societies and other related organisations whatever to look into the issues emerging from misusing the GIs of Jammu and Kashmir. For technical assistance they should seek the assistance of Craft Development Institute and for legal assistance they should seek the services of university professors who have expertise in intellectual property laws.

24. Committees should be formed at State and District levels. The Objectives of the Committee shall be to leverage on the registered GIs for the benefit of weavers & enable them to use it as a competitive tool for socio-economic prosperity and to facilitate co-ordinate action with the involvement of State Enforcement Machinery and combat counterfeit products in the market and prevent unauthorised use of the GIs.

25. It is suggested to register our GIs in India at the earliest time possible. This will help ensure that our exclusivity to the GIs is maintained and we have the right to initiate infringement action against any person who is violating our rights.

26. The artisan community is suffering for want of overall support. It is not adequate and timely financial assistance alone which can change their fortunes, but they need social protection. So far their social security has remained a distant dream. On papers some health and group insurance schemes that provide the family of the artisans a free treatment cover, have been introduced. These schemes should be implemented in letter and spirit. To revive the handicrafts sector and bring prosperity to craftsmen, there is need to tailor schemes that hedge the times of distress for the artisans and at the same time gives them sufficient space to
explore their craftsmanship to the full extent. It may be noted that the development of handicrafts is a state subject. Section 17 of the Constitution of J&K imposes an obligation on State to take certain steps for promoting crafts and cottage industries. Therefore, the primary initiative for the development of handicrafts must emanate from the State itself.

The Directorates of Handicrafts and Handlooms may provide production/employment generation incentives and capital investment subsidy on land and building besides all incentives available under Industrial Policy 2004 of State Government to artisans and weavers of handicrafts sector. It is also recommended that Handicraft and Handloom Departments should provide interest subsidy for J&K Bank Dastkar Finance Scheme. Further, this scheme should be implemented by all the financial institutions in our State.

27. In order to make law students aware of intellectual property laws and emerging legal issues in this field, the subject has been included in the curriculum at the BA.LL.B. level. But Geographical Indications do not form the part of this curriculum. The subject should be introduced both at LL.B. as well as BA.LL.B. levels.

28. The GI Act needs to be more “user-friendly” and ensure easy operation and administration. Protection should not come at the cost of economic, administrative and legal disadvantage and inconvenience of the very people possessing the skill. There is a need to have a fresh look on the various provisions of the Act to ensure that the benefits of the legislation percolate equitably to everyone involved in the handicrafts activity.

29. The developing countries including India should strive for the same protection being offered to all the GIs as is offered to Spirits and Wines under the TRIPs Agreement.
30. The Central Government has conducted census relating to handicrafts throughout India including State of J&K way back in 1990s. The State Government also conducted Handicrafts census in the same decade. Till now no concrete data is available. Different departments provide different figures. For instance during field survey relating to *Khatambandh* which is mostly practiced in Srinagar, the Assistant Directorate of Handicrafts was of the view that there are only four *Khatambandh* artisans in Srinagar, while the researcher conducted the interview of more than hundred *Khatambandh* artisans.

Further, about three hundred *Khatambandh* artisans are registered with the office of the Development Commissioner Handicrafts, Ministry of Textiles Government of India, Marketing and Service Extension Centre, Srinagar. There is an urgent need to conduct fresh census and to update the same intervally so that those interested can remain abreast with the factual situation.