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Mizo Traditional Cloth (Puan) and Protection through Geographical Indication

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ABSTRACT

Geographical Indications or simply GIs has emerged as an important instrument of Intellectual Property Rights (IPR) protection in India. GI literally means an 'indication that particular good/s originate from a country having special features, qualities or reputation which can be attributed only to the place from which it originated.' Geographical Indication protects the goodwill and reputation of a product thereby creating opportunities for growth. The Mizo puan is the most important handloom product for many centuries; it is worn in all their important festive occasions and celebrations even today, and is most sought after for their ethnic variation and use of colour, and motif in their weaving. The grant of geographical indication to such indigenous product not only protects the community from any external exploitation but the reputation that a product gains through a geographical indication creates opportunities for its growth. The primary objective of this paper is to highlight the importance of the benefit of Geographical Indication protection granted to five of Mizos famous and celebrated cloth (or puan).

I. INTRODUCTION

Mizoram one of the North-east states in India is a home to the Mizos. Mizoram literally translates as 'Land of the Mizos'. The people of Mizoram are well-known in and outside India for their handloom and handicraft, and particularly their famous wrap around (or *Puan*) worn by their womenfolk. The handicrafts are produced by local artisans using only their hands or by using tools created by them. The uniqueness of products is manifest in the distinctiveness, creativity, decorative and functional aspects of the goods. The art and craft of Mizoram is a reflection of their culture and identity and occupies an important sector of the industry in the state.

Textile is a primary form of art and culture. The festivals celebrated by the Mizos known as '*Chapchar Kut*' '*Thalfavang Kut*' '*Pawl Kut*' embody in them colorful attire and are

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examples of platforms connecting textile with their way of life. The most important handloom product is the *puan* and it is used in all their important festive occasions and celebrations till date. This traditional cloth (*puan*) is sought after most for their ethnic variation, use of colour and motif in their weaving. Weaving is integral to Mizo culture and women learn to weave at a very young age. Women are the ones who weave in Mizoram. In the past, it was considered as leisure and they used to work on the loom during the months they were free from agrarian work. Loin-loom, like the rest of its counterpart in the North east is the main loom used for weaving. Traditionally, weaving was never meant for subsistence and was not considered as a means of earning as the mainstay of the majority of the people was agriculture. It is only recently that the economy of the state of Mizoram has developed on this industry and reaping fruits through it.

The handloom industry in Mizoram is highly labour intensive, and it is a thriving and vibrant industry. This sector is economically vital and has high capacity for export and foreign exchange earnings. The Government of Mizoram in particular headed by Department of Industry has taken several steps in promoting handloom and handicrafts industry. The Mizoram Apex Handloom and Handicraft Cooperative Society (MAHCO) is one such body and its main function is to import raw materials, equipment and accessories from other states and sell it to its members at subsidized rates. In fact, MAHCO is the sole Yarn Depot operator for the state of Mizoram constituted under the National Handloom Development Corporation (NHDC). According to the Ministry of Textile (2015) there are 43528 workers in handloom sector, and 24136 looms in Mizoram.² The Ministry of Textile has introduced schemes such as Rashtriya Swasthya Bima Yojna (RSBY), Integrated Skill Development Scheme (ISDC) and established Common Facility Centre (CFC).

The primary center of handloom industry at Thenzawl, a state located in North Mizoram, is the Handloom city of Mizoram. Since 2014, there has been a substantial growth in the number of weavers which has contributed to increase in looms. It must be mentioned that productivity of cloths and fabrics has grown exponentially in recent times. Several cooperative societies and NGOs have contributed to the growth and development of this sector. The handloom produced in Thenzawl has catered not only to different parts of Mizoram and other states of North-east India but their finished products are also exported to many foreign countries as well. The handloom industry has contributed not only to the growth of the economy of the state but has been helping women earn their dignity and respect

² Note on Handloom Sector, Ministry of Textiles, Government of India, Dec. 2015 (May 06, 2020), <http://handlooms.gov.in/writereaddata/2486.pdf> .

by being self-reliant through their occupation.

II. MIZO TRADITIONAL CLOTH OR *PUAN*

A *puan* is similar to a wrap around and normally measures a meter in length and three to four meters in breadth. In the beginning, the Mizos did not use any colour yarn and so their cloths were simple and plain. Both men and women folks used a simple but thick white piece of cloth. Besides this, the men folk also used a piece of cloth which was bigger in size to wrap the upper part of their bodies from the cold; it was also used for other purpose such as bed sheet. In the past, such as piece of cloth had several uses and meted almost all their needs. Since the *puan* had no other colour mixed with it, it was simply called '*Puanngo*.' But as time passed they discovered certain types of barks, roots, leaves and herbs producing fast black colour, and soon followed by the discovery of other colours. The testimony of the Mizos beautiful and colourful *puan* are a reflection of their artistic skills and talents. The first design on Mizo's *puan* was called '*Kawkpuzikzial*'³ and the same pattern is still being incorporated in their new and latest designs.

The Mizos used many different types of traditional cloths from time to time. Men and women wore different types of cloths. Each man wore a body cloth measuring about 7 feet long by 5 feet deep, and the patterns were numerous and often striking. Their traditional cloths were a reflection of the individual status in the society. For example, the design, motifs, pattern and colour indicated the position of the wearer in the Mizo society. While some represented a man's wealth and prowess others were a reflection of public and sacrificial contribution to the feast of merit, signifying the required number of rituals and sacrifices performed by the father and son thereby achieving the coveted '*Thangchhuah*'.⁴ There were other cloths that were indicative of the owner being successful in tribal warfare, and still other indicated that the wearer had taken the head of his enemy. The wearing of such cloth was restricted to only the ones who deserved and earned to wear them. Traditionally, no member in the Mizo society was allowed to wear any cloth he or she liked. Men and women only wore cloths which the social norms permitted them.

III. CULTURAL SIGNIFICANCE OF *PUAN*

The *puan* has important cultural significance to the Mizos but there are some which have gained popularity and importance through the ages. The design to these *puan* have been

³ '*Kawk*' refers to a vegetable and the tip of the leaf curls up in a round loop. It was this leaf that was imitated in their design.

⁴ '*Thangchhuah*' literally means, *thang* = reputation, *chhuah* or *chhuak* = accomplished, i.e., reputation accomplished in the village or jungle.

modified by weavers in and outside the state of Mizoram due to which the originality and ownership calls for urgent protection. There are five (5) of them in particular which have played an important role in identifying the culture and society of the people of Mizoram. The Department of Art and Culture of the state had applied for geographical indication protection for various traditional cloths (*puan*) since 2015. Geographical indication tag was therefore granted to five (5) very important traditional cloths (*puan*) of the Mizos in August 2019.⁵ The description of these *puan* and their cultural significance in the Mizo society are as follows:

Hmaram This is a popular and decorative cloth of the Mizos. It is generally long but can be worn like a small skirt. It is worn only by girls and ladies. In *Hmaram*, the white warp runs horizontally on an entirely black background. The designs on the white warp are ‘*kawkpuizialzia*’, ‘*disul*’ and ‘*lenbuangthuam*’ all of which were the earliest designs used in *puans*. The warps are usually 2 to 3 inches in size and are usually 4 in number with small strips running through each warp. Since the cloth is not very long breadthwise it is generally worn well below the navel and is tied at the waist. In modern days this *puan* is no longer worn like a skirt. It is only when it is being used on occasions for performing cultural dance or play acting showcasing the traditional culture and identity of the people that it is still used as a small skirt.

***Pawndum* or Black cloth**

Pawndum (‘*dum*’ meaning black) is a cloth that was in vogue earlier than the *Puanchei*. The design is composed of bands. It comprises of dark colours woven on a black background. In traditional times the young men used this *puan* to cover themselves at night in their *Zawlbuk* (men’s dormitory) stay. The significance of this cloth for a woman was that, traditionally, a *Pawndum* was used to cover the dead body of her husband if he dies during her lifetime. She was expected to weave one and take it along with her to her new home, once she gets married. It was also used for covering the body of any relative who died from her husband’s side. It is culturally very significant even today. It was even called *Dawnpuan phah*. *Dawnpuan* signified that if there was an act of pre-marital sex using *Pawndum*, with permission of the girl’s parents, the boy is expected to marry the girl. On refusal, the boy had to pay a fine to the girl. Today, it is no longer used as a garment but as a mark to mourn the dead.

***Puanchei* or Decorated cloth**

Puanchei is the most decorative *puan* and is considered the most difficult to weave and takes

a long period to be completed. Since the *puan* is a combination of different colours of yarn woven together, the task of gathering the coloured yarns is itself an arduous one. The pattern is a combination of red, black, blue and green coloured yarn alternately inserted on a white cloth as background. The red, black and white become the prominent features on the pattern. *Puanchei* is especially woven for women and it is highly valued by them though it is not uncommon to see men wearing them on certain festive occasions.

The design of this *puan* is believed to have been introduced in the middle of the nineteenth century but the exact origin is yet to be determined. The *Pawih* clan of the Mizo tribe who are now the inhabitants of the western area of Burma are believed to have been the first ones to make or weave this *Puanchei* in a simpler form than it is now seen in. It was then called '*Ngotekherh Laisen*' or the red centered decorated cloth. Traditionally every young woman used to weave at least one for themselves which they used to cherish and use during festive occasions only. However, today the *Puanchei* is worn even on occasions of marriages. The modern designs have further improved on the loom and the patterns on the *Puanchei* and are complexly decorated yet exceedingly more beautiful than the ones initially woven.

Puanhruih* or *Ngotekherh

Traditionally this *puan* was weaved using only black and white loom. The design was simply that of black and white stripes which was artistically and beautifully woven together. It appears that the *puan* derived its name from the word '*hruih*', meaning transverse stripes on cloth. The design seems to have been introduced in the last part of the nineteenth century. The menfolk also used this *puan* in the olden times, but now it is worn on special occasions only by women. This cloth was given prominence through its introduction to the society by the wealthy members in the community.

***Tawlhloh Puan* or No Turning Back cloth**

Tawlhloh means 'to stand firm', 'not to change position' and/or 'not to move backward.' *Tawlhloh puan* thus indicated the never give up attitude of a warrior who would be wearing it. Therefore it could only be used by a very courageous warrior who had made his mark as one. Those who wore this *puan* were under an oath to never return to the village without being victorious. Originally, the cloth was two meters in length and about one and a half meter in breadth having a white surface. The design and the pattern was that of four black stripes made of four intertwined threads which appeared like a chain on the stripes. The two chainlike stripes were arranged so as to divide the cloth into three equal parts. The other two stripes were woven along the edges of the *puan* in a vertical manner. Lengthwise also two

stripes were running across the whole length of the *puan* dividing the cloth again into three equal parts. While weaving, however, different patterns were used in which each striped were composed of two closely placed thin lines. If the stripes running breadthwise were black in colour, the ones running lengthwise were deep red in colour.

During the colonial period, the warriors used to put on *Tawlhloh puan* and faced the British soldiers to show resistance to their rule and to uphold the dignity of their identity and culture. Slowly and gradually this *puan* gained popularity through use by women from rich and affluent families during festive occasions such as marriages. Thus the original significance attached to it slowly diminished by attaining new significance through the status value

IV. GEOGRAPHICAL INDICATION IN INDIA

Geographical Indication or GIs has emerged as an important instrument of Intellectual Property Rights (IPR) protection in India. The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, 1958 was adopted at the international level. It was adopted for providing protection of “appellations of origin” which signifies “geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographic environment, including natural and human factors”. According to *Article 22.1* of the Agreement on Trade- Related Aspects Intellectual Property Rights (TRIPS) geographical indications are “*indications which identify a good as originating in the territory of a Member (of the World Trade Organisation), or a region, or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.*”⁶ India has a *sui generis* protection for GIs. The law which deals with protection of Geographical Indications in India is ‘The Geographical Indication of Goods (Registration and Protection) Act, 1999 (GI Act) and the Geographical Indications of Goods (Registration and Protection) Rules, 2012 (GI Rules).’

V. MEANING AND SIGNIFICANCE

Geographical indication literally means an ‘indication that particular good/s originate from a country having special features, qualities or reputation which can be attributed only to the place from which it originated.’⁷ These special features and reputation may be due to several factors, such as soil, climate, moisture, temperature, etc. It can also be due to the skill or method involved in the manufacturing or making of the product which involves traditional

⁶ The Agreement on Trade-Related Aspects of Intellectual Property Rights art. 22(1), Jan. 1, 1995.

⁷ The Geographical Indication of Goods (Registration and Protection) Act, 1999 No 48 of 1999.

methods of production. Such attribution can also be due to existence of similar businesses prevalent in the same region, specialized method of producing goods or products and maintenance of quality attached to such product.⁸ It is the connection between the goods and the place that makes the product stand out from other places which may have produced the same goods. The best example is the example of Darjeeling tea, a tea grown in Darjeeling, a district in the state of West Bengal.

One very important feature of geographical indications is that it responds to the needs of indigenous and local communities and farmers. The most important benefit that a registered geographical indication product has is that it inhibits others from using the product without permission. As far as business ventures are concerned, “geographical indications create competitive advantage giving more added value to a product. It helps increase export opportunities and strengthens an already well-known and established brand.”⁹

Application for registration of geographical indication:¹⁰

Geographical indication can be applied by any person, producer, organization or authority of people established under the Indian law, in the prescribed format and fees and addresses it to the Registrar, Geographical Indication. The applicant must show the interest of the producers in the goods requiring registration.

Registration for geographical indication:¹¹

Once the application is received, it will be sent for preliminary scrutiny and will be examined for objection or deficiency if any, by a group of experts. If any objection or appeal needs to be made then the applicant is given a period of two months to respond for a public hearing. Once the application is accepted it will be published in the Geographical Indications Journal in three months' time. In case of opposition to registration after publication in the journal, an applicant must file a notice within the prescribed period. The applicant is required to defend the application by issuing counter statement within two months from the time of communication time from opposition. If a counter statement is filed, both parties must provide evidence through affidavit along with supporting documents after which hearing will take place. If counter statement has not been filed, the applicant can be considered for acceptance of geographical indication registration. The Registrar will register the product from the date of filing and issue a certificate bearing the seal of the Geographical Indications

⁸ V.K Ahuja, Law Relating to Intellectual Property Rights 437 (3rd ed.2017).

⁹ WIPO, Background Reading Material on Intellectual Property (Geneva, 1988), p. 120.

¹⁰ *id.* at 7.

¹¹ *Id.*

Registry.

The geographical indication registration is for a period of ten (10) years and renewable for further periods from time to time.¹²

VI. GEOGRAPHICAL INDICATION PROTECTION AND ITS IMPORTANCE FOR THE STATE OF MIZORAM

We do not need to reiterate the lack of business avenues and means that a small state like Mizoram has when it comes to evaluating economic growth of the state. Due to reasons of connectivity, backwardness of the local inhabitants and more particularly lack of infrastructure there is an urgent need to protect traditional skills of local artisans. It is equally important through protection of skills and products borne out of such skill that opportunities are created through which the local people are able to sustain their livelihood as well.

We can derive from the above discussions that the most important reason geographical indication protection is granted is because it helps those who have the right to geographical indication to stop others from making a benefit from its reputation (free-riders) and from using it without their permission.¹³ The reputation that one's product gains through a geographical indication is a valuable asset. If such protection is not given it can lead to unrestricted use thereby diminishing its value and eventually ending up lost. The protection of a geographical indication prevents the indication from being protected as a trademark as well and hinders the use of the indication as a broad term.

There are several ways to study the impact of geographical indication protection granted to the five (5) traditional cloths (*puan*):

1. **Helps in marketing the *puan*:** Since *puans* are bright and colourful with beautiful motifs and designs which are rarely seen anywhere in other parts of India and even outside India, it automatically strikes the eye of someone who has seen them for the first time. As such, in order to promote them globally handloom and handicraft need to adjust and adhere to strict norms according to demands in the market. Geographical indication is a ray of hope for many artisans because now they can protect their creations and their culture from being copied by others. This will further enable them to earn better in the markets both nationally and internationally.¹⁴ With the granting of geographical indication reputation of the *puan* will

¹² *Id.*

¹³ Frequently Asked Questions: Geographical Indications (May 08, 2020), https://www.wipo.int/geo_indications/en/faq_geographicalindications.html.

¹⁴ Parnil Verma, Protection and Promotion of Indian Handicrafts Through Intellectual Property Rights (May 04, 2020) https://www.academia.edu/7927875/PROTECTION_AND_PROMOTION_OF_INDIAN_HANDICRAF

grow and demand for it will increase. The *puan* will further attract customers and further create employment for the state.

2. Pricing keeping in mind cultural significance: The local artisans are generally backward having no prior education, hence having no idea as to the worth of the products they produce. This means they are unable to sell the USP of their product being 'Hand-Crafted'. As similar products are sold from other states they are unable to capitalize on it as the originality and ownership of the craft faded thereby harming the reputation of the *puans*. It also contributed to the artisans losing interest in continuing with their trade because they felt that it was not profitable enough to sustain their families. However, with geographical indication protection the designs and motifs can be protected from being duplicated by others allowing the artisans to charge a reasonable amount for the *puan*, worthy of the effort and the cultural significance attached to it.

3. Promotion and Distribution of the products: There are many governmental and non- governmental organisations like All Indian Artisans and Craftworkers Welfare Association (AIACA) through which registered products like *puan* can have better distribution overseas. It is increasingly becoming easier for artisans to promote their products by participating in trade fairs and exhibitions. This is the most important commercial strategy for distributing and promoting the *puan*. The Textile Committee and Export Council for Handicrafts has also enabled several geographical indication protected products to be featured in Textile and Crafts Fair all over the world as part of assisting and promoting geographical indication. The distribution of *puan* through State Emporiums and other retail outlets facilitates in the promotion of the *puan* as well. With geographical indication registration of the *puan* coupled with awareness campaigns the artisans and the communities involved in the growth and marketing of it will realize the importance of geographical indication in selling the *puan* and making it unique. This will contribute in building the brand of the *puan*, create competition and at the same time generate profit for major stakeholders.

4. Facilitate Cooperation of Artisans: Without geographical indication registration there is no coordination among manufacturers. Each artisan is a competition for the other and they are not comfortable discussing ideas with each other as they fear duplication by the other. Now that geographical indication protection has been given to these five (5) *puan* there need not be any fear and every artisan must comply with directions for manufacture and production guidelines as issued by the state Government. They can also work together

collectively and collaboratively by setting up associations and bodies to further promote their other products in the future.

5. Promote and Uplift women: As mentioned, weaving is integral to the life of a Mizo woman. She learned the art of weaving at a very young age. It was even customary for a young bride to weave one *puan* for herself on the occasion of her marriage. So we can say that each family owned a loom even in those days. Today also weaving is done by women in the Mizo society. It seems that there has been an increase in the number of looms and number of weavers every year. Geographical indication protection will mean an increased demand in the *puan* and we can expect further increase in the participation of more women to weave it. This will create business opportunities and employment and contribute towards upliftment and empowerment of the women in the society.

VII. CONCLUSION

In a globalized world, new technology and machines pervade every area of our lives. The impact of globalization is felt in this sector as well. It has rendered loss to many handlooms and handicrafts markets as a result of infringement of the product. Geographical Indication (GI) Act, 1999 has created scope for protection of indigenous and unique products of the country. There are many examples of geographical indication protection granted to weavers in India from “*Banarasi* brocades, *Kancheepuram* Silk, *Kullu* Shawls, *Chanderi*” and others. However, geographical indication protection granted to these handloom and handicrafts products is not without challenges. In the context of Mizo *puan*, their traditional cloth (*puan*) has deep cultural significance. The identity, history and other knowledge of the Mizo people are carefully woven in their *puan*. Since time immemorial, Mizo *puan* has played a significant role in preserving the legacy of their rich cultural heritage. Therefore any misappropriation or distortion or alteration on Mizo *puan* would not only discredit the artistic skill of the local artisans who have produced them but also distort their history and identity embedded in their traditional cloth. It is important that such indigenous product is given legal protection in order to safeguard, preserve and promote its growth.

Although geographical indication protection has been granted to these 5 Mizo *puan* there is an urgent call on both the State government and various NGOs and collective bodies working in this sector to take on the challenges and create awareness on the importance of this law. It is very important for the State government and affiliated bodies to strategize wisely to familiarize the people on geographical indication and its benefit, especially in generating income and uplifting the weaker sections of the society. It is important to recognize that

geographical indication protection is a legal instrument for protecting the interest of the experts of these traditions.
