GEOGRAPHICAL INDICATION; A CASE STUDY OF KASHMIR PASHMINA (SHAWLS)

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Abstract

Geographical Indications (GIs) have gained more interest since its protection has been ensured multilaterally under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement of the World Trade Organisation. Kashmir Pashmina (shawls) is the first officially registered item in GI registry of India under Handicraft goods form Jammu and Kashmir. A GI certification is licensed to the producers and other business operators of the GI production line through a membership application in a GI club. This paper aims at identifying factors that are likely to predict the behavior/characteristics/uniqueness of Kashmir Pashmina (shawls) in adopting a GI certification in general and by this bring to light the lacunas in the Geographical Indications and its implementation in particular.

Introduction

A Geographical Indication (GI) identifies a good as originating in a delimited territory or region where a noted quality, reputation or other characteristic of the good is essentially attributable to its geographical origin and/or the human or natural factors there (ITC, 2009). GI registration is an indication that links the uniqueness of products towards the origin and thus, reduces the asymmetry of information between producer and consumer,
ensuring market transparency, price stability and reduction in information costs (Belletti and Marescotti, 2006). GIs can be used as an effective tool for ensuring the quality of the produce as well as developing brands for local agriculture products. The Geographical Indications of Goods (Registration and Protection) Act, 1999 passed by Indian Parliament in December 1999 seeks to provide for the registration and better protection of GIs relating to goods in India. A total of 220 products got GI registration till July 2012. Of the total goods which got GI registration, 60 per cent belongs to handicrafts and 27 per cent to agricultural goods. These include Darjeeling (tea), Pochampalli, Ikat (textiles), Chanderi (sarees), Kancheepuram silk (textiles), Kashmir Pashmina (shawls), Kondapalli (toys) etc. There are many more Indian GI in the pipeline for registration under the GI Act (As per Sec 2 (f) of GI Act 1999).

**Why it is important**

It is very important because it identifies a good as originating from a particular place where a given quality, reputation or other characteristics of the good are essentially attributable to its geographical origin, which helps in fetching a significant increase in the value-added through premium pricing and for the growth of the trade of identical product.

**Kashmir Pashmina (shawls)**

Crafts of various forms play a significant role in the overall economic growth of the Jammu and Kashmir state. According to officials figure the state annually exports handicrafts worth Rs 785 crores. Most of the crafts are based on traditional material, traditional knowledge and local skill. It makes good economic sense to protect them legally under the GI Act. Among the craft items of Jammu and Kashmir, the first item which has been registered as GI is Kashmir Pashmina. Kashmiri Pashmina got its GI cover in September of 2008 acceding to the longstanding demands of Pashmina weavers of patenting it.

Pashmina is the highest quality cashmere wool and many kinds of textiles products are made from it, the most famous of them being Pashmina shawls. The wool comes from pashmina goat that is a special breed of goat indigenous to high altitudes of the Himalayas in Nepal, North India and Pakistan. This wool has a special luster due to its long fine fibers, which are as thin as 12 microns, comparing it to human hair which is 200 microns. So, it is impressively soft, light and incomparable warmth. In addition to this, Shawls prepared from any material, anywhere in the world have got their own identity but those prepared in Kashmir are different from all. These shawls are known all over the world for the way they are being prepared right from sorting of raw material to finishing of final product. As per the information gathered from the artisans, the traditional method of shawl making/processing in Kashmir is divided into four broad heads:  

A). **Pre-spinning** processing; Pre-spinning processing is further bifurcated into four steps, it includes; 1.**Harvesting**: The Pashmina is harvested during spring season, when animal naturally shed their under coat. On the basis of weather conditions and season, the goat starts moulting over a period from mid March to late May. It is done manually by combing .As pashmina fibers
are intermingled with coarse outer coat called guard hairs, so the process of combing is followed by manual dehairing. 2. **Sorting/De-hairing**: Sorting/dehairing means separation of undercoat/pashmina from guard hair. The sorting of pashmina is done manually, mostly by women folk. Now-a-days, at some places the process of manual dehairing is being replaced by machine dehairing. 3. **Combining**: Raw pashmina is having lot of impurities like vegetable matter, sloughed epithelial cells, dust, etc. with it, which needs to be removed for efficient processing. The objective of combing is to remove these impurities and parallelize the fibres. Traditionally, combing is done by impaling dehaired raw pashmina repeatedly on an upright comb (10 cm wide, set on a wooden stand). The small lumps of fibers are straightened on the teeth of the comb by drawing each tuft through it by hand. The process is repeated 3 or 4 times until the tuft seen is in a clean enough state to be spun. 4. **Glueing**: Glueing means application of glueing material to pashmina. This is done by applying pounded rice. The pashmina is placed in a container over which pounded powdered rice (kharioat) is sprinkled and left on pashmina for a night or two. The purpose of glueing is to provide extra strength, moisture and softness to the fiber. Pashmina is again combed to get rid of all traces of the crushed rice powder. The pashmina so cleaned is now given a shape of a patty, locally called thumb.

**B) Spinning**: Spinning converts continuous untwisted strand of fibers into required yarn count and twist suitable for further processing. Traditionally, spinning is being carried out on a spinning wheel termed yander or charkha. In this method, a small tuft/thumb of pashmina is held between the second and third finger of the left hand supported by the thumb. As the spinner turns the wheel with her right hand, she raises and lowers the hand holding the fiber in a perfect harmony to the rhythm of turning wheel. This is a skillful operation. The yarn produced by spinning wheel is spun on a grass straw or any light holder locally called phumblet. The spun yarn on these holders is doubled on hand reeler. The double yarn is subjected to twisting/pilling on the same charkha with the direction of twist reversed. These yarns are then made into hanks on the wooden reeler locally called Yarandul for marketing.

**C) Weaving**: Weaving is started with opening of the hanks on the large wooden stand locally called thanjoor and is mounted on a wooden spindle termed as prech. The yarn is separated for use as wrap and weft and is weighed before weaving. If the yarn needs to be dyed at this stage, it is sent to the dyer (rangrez). The yarn is washed with reetha soap in luke warm water and sun dried. After drying, yarn is reeled back on racks. The next stage is to make the warp. It is the warp-maker’s job to twist the yarn into the required thickness and strength for wrap. The spun yarn is now placed in a copper bowl, where it is steeped in a rice water starch called maya. This is taken out after two days and spread out in the sun to dry. The dried yarn is wound now on wooden spool called prech, whereas the process is called tulun. Four to six rods are being erected into the ground. Two persons work together and transfer yarn from prech onto the iron rods by using sticks. This process is called yarun. About 1200 threads are stretched in this manner to
Form warp locally called yaen which is enough for 4 to 6 shawls. The warp (yaen) is now given
to wrap-dresser (Bharan-gour) to stretch the wrap. He spends a week or so to fix each wrap
thread in the saaz (heddles of the loom). The loom is constructed of wood with a bench on
which two people can sit comfortably. During the course of weaving, if a thread breaks, as it
frequently does, the weaver picks another skein from the bunch that hangs in front of him on the
loom. Approximately 10% wastage is considered acceptable during the weaving process. The
finished length of woven material is known as thana. This is washed in cold water with
powdered soap nut, reetha or of special soap made from similar herbal ingredients.

D. Finishing: Finishing further bifurcated into four steps, it includes; 1. Purzgar with wouch: The
washed fabric is now sent to the purzgar. Here the fabric is tweezed, clipped or brushed out to rid
it of any superficial flaw on the surface. The frame on which this process is carried out consists of
two heavy beams of approximately 2/3 m in diameter and 1.25 m long that are set at an angle
of 450 and at a distance of a meter from each other. The fabric is mounted on these rollers
named mound and held taut between the two where it is worked on to remove uneven thread by
long handled tweezers called wouch. 2. Kasher: In this, the cloth is rubbed with a dried wiry core
of gourd, bitter gourd, or a maize cob known as kasher. 3. Washing: The fabric is now washed by
washer man or dhobi who washes the fabric in running water, by repeatedly striking it against a
hard smooth surface or stone. 4. Dyeing: If the fabric needs to be dyed, it is sent to the dyer who
dyes it as per the demand and requirement. 5. Stretching: The fabric is rolled and left stretched
for several days. It is then ironed packed in plastic bags and finally handed over to the broker
dral) who sells it. The plain shawl is then sold @ Rs 5000–6000/ piece while the cost of
embroidered shawl varies, depending upon the quality and quantity of embroidery work (hand
made embroidery work), and starts from Rs 10000/piece.

It is observed that different types of cashmere Pashmina Shawls made from top quality raw
material, Pure Pashmina is expensive but mixed Pashmina with wool is less expensive. Kashmiri
pashmina silk shawls are world widely praised for their unmatched quality & various kind of
embroideries Art or hook embroidery. The most popular pashmina fabric is a 70%
pashmina/30% silk blend, but 50/50 is also common. The 70/30 is tightly woven, has an elegant
sheen and drapes nicely, but is still quite soft and light-weight. Pashmina accessories are
available in a range of sizes, from "scarf" (12" x 60") to "wrap" or "stole" (28" x 80") to full
sized shawl (36" x 80"). Although pure Pashmina is expensive, the cost is sometimes brought
down by blending it with rabbit fur or with wool.

It is on Pashmina shawls that Kashmir’s most exquisite embroidery is worked, sometimes
covering the entire surface, earning it the name of ‘jamawar’. A jamavar shawl can, by virtue of
the embroidery, increase the value of a shawl three-fold. Not all Pashmina shawls, however, have
such lavish embroidery some are embroidered on a narrow panel bordering the four sides of a
shawl, others in narrow strips running diagonally through the shawl. A second, less frequently
seen weave, done only on pashmina, covers the surface with tiny lozenge shaped squares,
earning it the delightful name of 'chashme bulbul,' or eye of the bulbul. As this weave is a masterpiece of the weaver's art, it is normally not embroidered upon.

But according to the Managing Director of Jammu & Kashmir Handloom Corporation the term Pashmina is still associated internationally with Nepal rather than Kashmir. A machine-made woollen product called Semi Pashmina shawl is also sold confusing the common public regarding the originality of a Pashmina shawl. Pashmina is also being machine-spun in Amritsar, China also launched pirated Pashmina Shawls by imitating the Kashmiri brand. For a lay buyer, it is difficult to distinguish between the original and these types of proximate imitations Thus, the fundamental premise is that the GI Act facilitates registration of GI but a deeper analysis shows that crucial provisions lack harmony that may produce undesired results. This Act is not comprehensive enough to safeguard interest of the craftsmen. In addition to this, registered proprietor in relation to a GI means 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 handicraft means any person who makes such goods and includes any person who trade or deals in such production, exploitation, making or manufacturing, as the case may be, of the goods. Farooq Ahmad Mir and Farutal Ain, (2010) revealed that The rural Kashmiri and inhabitants of economically backward pockets in urban areas are generally associated with different crafts. It is their labour and skill which being is 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. The artisans have kept these handicrafts tagged with GI alive. They should have been at the centre stage of any legal protection. The GI Act has accorded protection to the trader of these handicrafts which will prove to be a license for exploitation of grass root workers who give breath and blood to these crafts. Moreover neither government nor non government initiative has been sufficient to carry on handicrafts in an organized way. The craftsmen need financial, infrastructural and technical support from the Government in addition to comprehensive legal support. Further, the object of GI is multi fold. It not only protects GI of the country but also recognizes the rights of the communities. It has made GI marketable by recognizing monopoly rights over it. TRIPS has prescribed minimum standard of protection and states are free to adopt sui generis system to safe guard economic interest of its subjects, India should take the lead and provide protection to traditional knowledge instead of looking other countries moreover the Indian Government made headway in adopting strategies for branding and promotion of GI products or their marketing and distribution in both domestic and export market.

A though and concise exploration of this case study lights on certain lacunas in GI ACT 1999. These are summarized as follows;

1. GIs have no exclusive character with regard to production. Anyone outside the designated area can still produce and sell the goods just under another name.
2. In addition to the marketing costs associated with promoting the GI product there may be production costs associated with ensuring the existence of the quality attributes that consumers associate with the GI. These extra costs will have to be subtracted from the premium to determine the net contribution of GIs to profits. Existing empirical literature is almost silent on this issue.

3. Another issue about GIs is the ‘trickle down effect’ of benefits. The price benefits need to be filtered through the product value chain and reach the producers who sit at the bottom end of the value chain. Institutions have to play a big role in order to ensure realization of potential benefits of GIs. Empirical evidence on this aspect is also scarce.

4. Actual realization of the potential benefits ingrained in the registered would require effective management in future. This would entail sustained efforts backed by appropriate planning and adequate investments over the medium to long term. Accordingly, strategic interventions by public or quasi-public institutions are an essential prerequisite for the GIs initiatives in India to succeed but this is not well defined.

5. Most of the Indian GIs are linked to traditional knowledge, culture and lives of the communities. So, India has a considerable scope for building the brand image of such exotic products by highlighting the cultural aspects historical stories, legends and myths associated with them. And also has a considerable potential to develop ‘cultural tourism’ around its traditional products by drawing focused attention on the cultural aspects associated with them, particularly among foreign tourists there is not any specific policy about it.

6. There is an urgent need to improve the inter-departmental linkages and coordination to avoid duplication of efforts and optimize returns. Such a coordinated approach could immensely facilitate the process of exploiting the commercial and socio-economic potential of GIs in the India and simultaneously help in securing various spill-over benefits from this collective IPR. And at the multilateral level, it is extremely important for India to weigh the costs and benefits of GI protection in general and the extension of Article 23, in particular on the basis of rigorous empirical research.

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