



TITLE: AN OVERVIEW ON GEOGRAPHICAL INDICATION WITH REFERENCE TO MUGA SILK UNDER STATE OF ASSAM.

Submitted by:

Dr. Priti Rupa Saikia

Associate Professor

MSSV, Guwahati unit

Guwahati

Abstract:

Society always values the creative working of any individual that enriches the fabric of life with all good possible results. The emergence of globalization requires recognition and codification of such creations to encourage the process. These collective intellectual property rights are covered under many categories and the one associated with protecting the goods having specific geographical origin and possess' qualities, reputation or characteristics that are attributed to the place itself. With the advent of such rights and its protection global market has got far reachability. Considering Indian agro-based economy GI protection is extremely important. Historically it served as indicators of the commercial quality of the goods that they identify. Muga silk as one of the prime products of state of Assam has significance in rural economy and generating livelihood for those who has devoted themselves in this process. Muga silk is renowned for its attributed quality and uniqueness and thus have acquired the tag of GI. It has majestic qualities keeping it different from rest of the silk. In this article a discussion on Muga silk and its uniqueness is discussed along with its impact on socio-economic scenario of the state.

Key words: intellectual property, Geographical Indications, Muga Silk, creative.

**AN OVERVIEW ON GEOGRAPHICAL INDICATION WITH REFERENCE TO MUGA SILK UNDER
STATE OF ASSAM.**

Introduction:

Geographical Indication (GI) draws the existence of a particular sign used on goods that have a peculiar geological origin with different stages of development with uniqueness in built as these goods are produced with assured quality. A geographical indication may be influenced by specific local geographical factors like soil, climate, quality of soil and traditional culture derived from their place of origin. GI is a sign used on goods that have a specific geographical origin that protects original product of its locality.

Before the TRIPS agreement, three main international conventions to deal with the protection of Indications of Geographical Origin are basically The Paris 2 Convention for the protection of Industrial Property (1883), The Madrid Agreement (1891), and The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)¹. In such inclusions there remains the problem regarding hierarchy in protection based on an arbitrary and specious categorization of goods under the TRIPS Agreement. However, the validation of TRIPS Agreement on GI can be accredited to the notable negotiating capacity of European Union. In India, the Geographical Indication of Goods (Registration and Protection) Act in 1999, is the first specific law that provides for the registration and protection of the GI coming into force on 15th September 2003.

The definition of GI as assigned by World Trade Organization, Geographical Indication means "Indications which identify a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of the good is essentially attributable to its geographical origin"².

Methodology:

Research Methodology is the science of study to conduct a systematized investigation to gain new knowledge about phenomena. This study is based on both doctrinal and non-doctrinal methods. Many Books, journals and articles were consulted available in different libraries to prepare this Article. As such various departments, Boards and authorities were consulted while collecting relevant material for the same. The present study has been conducted in the upper Brahmaputra valley (Lakhimpur, Dhemaji, Tinsukia, Dibrugarh, Sibsagar and Golaghat districts of Assam as the geo-environment condition of Muga silk is favourable to the area. There is a great scope in that area that Muga Silk might be a source of livelihood among the local populace.

Background of GI:

The first ever geographical Indication system was utilised by France in the early ages of 20th century known as Appellation d' origine controlee (AOC). Here, the items that meet the geographical origin and quality

** Author is working as Associate professor in MSSV, Nagaon, Assam. Email: saikiamili@gmail.com

¹ M. Patel Rajiv, *Geographical Indications in India: Present scenario*, PhD Scholar, PG Department of Library and Information Science, Sardar Patel University, Vallabh Vidyanagar, Gujarat

² World Trade Organisation. Agreement on Trade Related Aspects of Intellectual Property Rights. Protection of Geographical Indication. Article 22.1. Retrieved from. https://www.wto.org/english/docs_e/legal_e/27-trips_04b_e.htm.

standards were endorsed with government issued stamp that was considered as official certification of the origin and standards of the product to the consumers.³

In India, no specific legal implications were prevalent till 1999 on geographical Indication however, India is a signatory to both WTO (world Trade Organization) and TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights) since 1995. Article 253 of constitution of India that empowers the Indian Parliament to give effect to international agreements opened the door for implementation of laws relating to GI. Relying on these two documents the parliament of India has enacted Geographical Indication of Goods (Registration and Protection) Act, 1999 in 2003 to ensure new dawn in the field of GI.

Status of GI in Assam:

Assam residing in northeastern part of India signifies distinctive faunal and floral wealth. There are unique creations of nature which are predominantly found in this part of India. The eleven products that have the GI tag are Muga silk (2007-08), Assam Orthodox Tea (2008-09), Assam Muga silk logo (2013-14), Karbi Ang long ginger (2014-15), Tezpur litchi (2014-15), joha rice (2016-17), Boka Choul (2018-19), kaji nimu (2019-20), chokuwa rice (2019-20), Judima (a drink of the Dimasas) (2021-22), and Assamese gamosa.⁴

Table 1: GI products from Assam

Sl no	Goods	GI No	Year	category	Registered proprietor
01	Muga Silk	55	2007-08	Handicraft	Assam Science Technology and Environment Council
02	Assam orthodox Tea	115 & 118	2008-09	Agricultural	Tea Board of Assam
03	Assam Muga Silk Logo	384	2013-14	Handicraft	Assam Science Technology and Environment Council
04	Karbi Anglong Ginger	436	2014-15	Agricultural	Northeastern Regional Agricultural Marketing Corporation Limited

** Author is working as Associate professor in MSSV, Nagaon, Assam. Email: saikiamili@gmail.com

³ Trilochan Verma, *Intellectual Property Protection Handbook*, 1st edition, 2015, universal Law Publishing. At p 31.

⁴ <https://www.sentinelassam.com/topheadlines/applications-for-gi-tags-nine-assam-products-at-pre-examination-stage-640900>

05	Tejpur Litchi	438	2014-15	Agricultural	North -Eastern Regional Agricultural Marketing Corporation Limited
06	Joha Rice	287	2016-17	Agricultural	1. Assam Agricultural University 2. Seuj Satirtha
07	Boka Choul	558	2018-19	Agricultural	Lotus Progressive Centre (LPC), (2) Centre for Environment Education (CEE)
08	Kaji Nemu	361	2019-20	Agricultural	CRS-NA-Dihing NemuTenga Unnayan Samity
09	Chokuwa Rice	362	2019-20	Agricultural	Secretary, Seuj Satirth
10	Judima	376	2021-22	Agricultural	Managing Trustee, Youth Association for Development & Empowerment (YADEM)
11	Assamese Gamosa	432	2022-23	Handloom	Institute of Handicraft Development

Muga Silk and state of Assam:

Handloom industry has been playing a vital role in the tradition, economy, and culture of Assam. Traditionally every handloom fabric created was unique because the colours and designs varied from weaver to weaver who used to put different images of birds, animals' creepers, flower, people in the pattern or embroidering the motifs on the finished articles.

Assam is literally a 'Silk country' where silk culture is rooted in the rural life and culture of Assamese people.⁵ This is the only state in national and international dimensions where Muga silk⁶ is grown. There are 100 per cent of India's Muga silk production originated in Assam and hence Assam silk occupies a unique position in the sericulture map of the world⁷. Muga production has been an effective means for generating gainful employment in rural Assam and it has enormous potential in the context of building the rural economy and generating livelihood of this region. Muga possesses the highest tensile strength among all the natural textile fibres.⁸

History of Muga Culture in Assam:

The story behind the origin and growth of Muga Culture in the Assam valley is not a part of recorded history. It is a part of local origin since the worm is not known to be cultivated outside. The art of sericulture was known in ancient kamrup as early as the epic age and silk was used as early as the Vedic age. Classical writers mention about production and trade in varieties of silk in and through the valley. Xuan Zang (Hiuen-Tsang), a Chinese Buddhist monk and scholar mentioned about silk in his book Si-Yu-Ki about thirteen hundred years ago.⁹ Muga silk is also commonly known as 'king of Silks' for its natural, distinctive, and majestic quality. It is the first GI registered product of Assam.¹⁰ Muga silk is produced by the caterpillar *Antheraea Assama*¹¹ and it is the wild and multivoltine in character. 'Som'¹² and 'Soalu'¹³ are the main host plants.

Muga possesses excellent characteristics as an organism. There are numerous characters in all stages of silkworm that are heritable. The morphological characters like body colour, shell weight, cocoon weight, etc. has been traditionally used to identify a strain. Considering the ecological conditions, food plant distribution, presence of eco-types and species of diverse nature in co-existence, it is speculated that Assam is possible home of origin of *Antheraea*. This species has the lowest number of chromosome (n=15) compared to other species of *Antheraea* and considered to be endangered in near future.¹⁴

Geographical isolation of Muga silkworm is indicative of its special requirements for geo-climatic conditions that prevail in this region i.e., high humid temperate climate and forest vegetation of primary and secondary host plants. Thus, this species in its evolutionary development is less adaptive reaching its ecological isolation that is indicative of being on verge of extinction. The declines of Som and Soalu plantation areas in rearing and sericulture farms have pushed Muga silk towards the verge of extinction. Encroachment in government Som plantation areas is one of the prime causes of decreasing food availability of Muga silk worm. If measures are not taken the Muga, the heritage of Assam may face extinction in the next decades. To save the

** Author is working as Associate professor in MSSV, Nagaon, Assam. Email: saikiamili@gmail.com

⁵ Dutta Birendranath, *cultural contours of north east India*, Oxford University Press, 1st edition, 2012

⁶ *Antheraea assamensis*

⁷ Verma Trilochan, *Intellectual property protection handbook*, universal Law publishing, 2015

⁸ Chowdhury S N, *Muga Silk Industry*, 2001

⁹ Bharali N., *Asamar Muga Udyog*, Lawyer's Book Stall, 1976

¹⁰ Application no-55, Applicant's name- Assam science, Technology and Environment Council, Date of filing:20/07/2006, class 26, Goods-handicraft, GI Assam, Status- Registered (Renewed)

¹¹ Locally known as Muga Polu

¹² Scientific name is 'Persea Bombycina Kost.'

¹³ Scientific name is 'Litsea polyantha.'

¹⁴ Cornish William, *Intellectual property: Omnipresent, Distracting Irrelevant*. oxford University Press

Muga heritage it will need a comprehensive effort covering common people and everybody will have to work towards improving the general environment.

Uniqueness in Muga:

- a. The golden shade of Muga is natural and it is the only fabric which has its own colour and the golden luster increase with age and after every wash.
- b. Muga can neither be dyed nor be bleached. It is in fact stain free.
- c. Recent experiments conducted with the UV spectrometer at the Tezpur Central University in Assam has shown that Muga produced by a merchandised process is 85% UV resistant. This high UV ray absorption capacity of Muga is attributed to its high Iron content.
- d. It is the second costliest fabric in the world after pashmina silk. However, while Pashmina is used only to make shawls; Muga can be used for making different dress materials, furnishing material and decorative product too.
- e. Muga is said to be the most durable of fabrics.

Tests to examine the purity of Muga Silk

There are different tests to examine the purity of Muga silk. Burning test is one of the common methods of examining purity of Silk. In this method a thread of the product is burnt to test the purity where if its original the smell of burning human hair will be produced as both Muga silk and human hair is made of protein fibre. One of the most popular places where traditional method of testing is used is Sualkuchi. In this method, Muga yarn is boiled in water mixed with one tablespoon of either detergent powder or baking soda in 100 degrees Celsius. In case of original Muga, it will neither fade off nor will loose its golden yellow colour. Muga is the only silk that has colour at its natural stage. While applying this method of testing one must be very careful regarding quantity or proper proportionate measurements. However, scientific microscopic test is the most reliable one among all existing tests as it is a scientific one where report is delivered in printed format. However, the traditional method or common method is still practiced in comparison to scientific method.

Production of Muga Silk:

Muga silk worms are reared in all districts of Brahmaputra Vally of Assam. As per the reports of Assam government about 2625 hectares of land are utilised in production of Muga silk and around 30000 families are earning their bread on Muga production. Lakhimpur district produces highest quantity of Muga Raw silk followed by Sivasagar and Dhemaji districts of Assam. The production of Muga Silk has been increasing reportedly, 148MT in 2013-2014 and 166 MT in 2015-2016.

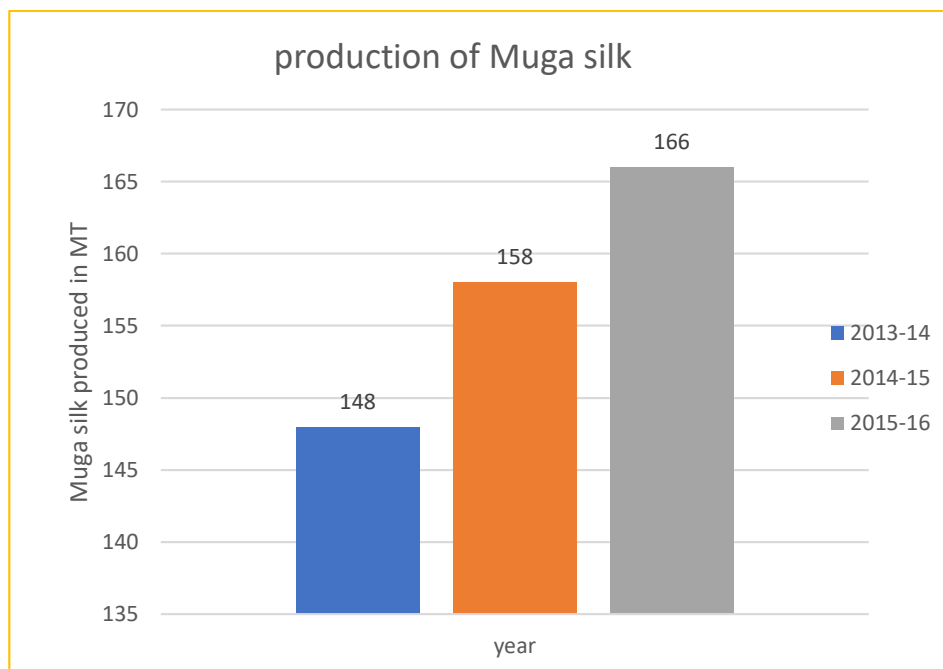


Figure 1 production of Muga raw Silk

Source: Annual Report 2015-16 (Central Silk Board)

Findings & Concluding observations:

GI registered products are always unique and Muga silk was the 1st one to register. However, unfortunately, Muga silk is found to be the most exploited goods as many criminal activities are associated with it due to lack of awareness in public. Different types of exploitations in local markets are prevalent with Muga silk.

Another observation made during the study is production of Muga silk is comparatively low in the state even after many schemes are introduced by the government in this regard. The higher demand and low production make it a costlier product. It is however the 2nd costliest fabric in the world.

Another significant observation is the adulteration of Muga silk with other material to make it cheap in price as well as in quality. Mixing of various other materials and creating of similar silk is harming the actual significance and utility of the silk. However, such type of activities is punishable under GI Act, 1999. Under section 38 of the Act imposes penalty for falsification of goods.

Lacking of awareness about GI production or about Silk mark among the buyers and sellers can be considered as one of the prime reasons behind such illegal activities. Urbanisation and shortage of skilled agricultural labour can be considered as a reason for its low productivity. The silk industry of Assam is an unorganised industry basically small entrepreneurs less educated lacking the capability to systematically take up the market.

There is no effective mechanism to standardised the quality and price to which many middlemen and traders are taking undue advantage and making money by betraying the original silk producers and weavers.

However, the sufferers are the silk weavers who for survival forced to sell their product at throwaway prices to the bulk buyers who have a hold in the market. The scope of GI Act needs to be broadened from its

existing territorial limitations. General awareness among public government and authorities should be encouraged and a mechanism to fix the price of the products should be maintained. Proper scrutiny machinery is required to handle the situations. This study has been an effort to portray the role of Muga silk in local economic development considering various aspects of Muga silk weaving. Encouragement from the government to the local handloom industry, especially this Muga silk weaving industry, which is both labour intensive and tourist attracting, is the need of the hour.

Bibliography

Books:

1. Ahuja V K, *Law relating to Intellectual Property Rights*, lexis Nexis, 5th edition, 2012
2. Bharali N., *Asamar Muga Udyog*, Lawyer's Book Stall, 1976
3. Chowdhury S N, *Muga Silk Industry*, 2001
4. Cornish William, *Intellectual property: Omnipresent, Distracting Irrelevant*. oxford University Press
5. Dutta Birendranath, *cultural contours of north east India*, Oxford University Press, 1st edition, 2012
6. Kothari C.R & Garg Gaurav, *Research methodology: methods and Techniques*, New Age Publications, New Delhi.
7. Sharma Sunil & Agarwal R. K, *Laws relating to Intellectual Property*, Pioneer Printers, Agra
8. Verma Trilochan, *Intellectual property protection handbook*, universal Law publishing, 2015

Journals:

1. Bagade Shashikant B. and Mehta Deven B, Geographical Indications in India: Hitherto and Challenges, *Research Journal of Pharmaceutical, Biological and Chemical Sciences*, march 2014.
2. M. Patel Rajiv, *Geographical Indications in India: Present scenario*, PhD Scholar, PG Department of Library and Information Science, Sardar Patel University, Vallabh Vidyanagar, Gujarat

Websites:

1. www.csb.gov.in
2. www.data.gov.in
3. www.silks.csb.gov.in