ROLE OF TRADITIONAL WEAVERS IN SOCIO - ECONOMIC DEVELOPMENT

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ABSTRACT

Objective: This study analyses the role of traditional weavers towards socio - economic development by examining the market competition between traditional woven clothes and clothes produced from power loom. This paper also discusses the relationship between traditional cultural expressions with moral rights of Copyright Law.

Methods: This study is based on the literature collected from secondary sources. It relies on Constitution of India, published research articles, text books, reports on international conventions, etc. The literature is analyzed by using descriptive - analytical method.

Results: Intellectual Property Law is very narrow to protect traditional knowledge (TK) and traditional cultural expressions (TCE). IPR laws require the work of the people to be original and novel. Traditional weavers do not fulfill the requirement of originality and novelty because the products are result of TK and TCE passed down from many generations. A sui - generis law is felt necessary to protect the hand woven dresses made by the traditional weavers. Such sui - generis law may include positive protection and defensive protection as provided under World Intellectual Property Organization (WIPO) to help traditional weavers access share of equal benefit and restrict the third parties from obtaining rights over the products derived from TK and TCE. Customary law is also one of the potential approaches to holistically recognize the rights of traditional weavers.

Suggestions: It is recommended to encourage traditional weaving for the sustainability of weaving culture. However the present generation can enhance the weaving techniques by blending it with new technologies. The marketing strategy should be learnt by traditional weavers to meet the expectation of globalised market. There should be direct communication between customers and weavers to understand the expectation of customers. This will open path to traditional weavers to develop their skills, designs, and promote their products directly in the market. To raise awareness among consumers, the hand-woven goods should be promoted. The Handloom Act of 1985 should be implemented. The state's department of handloom should frequently inform weavers about the reserved commodities. Power loom facilities should be legally registered with a statement that none of the restricted items listed under Handloom Act, 1985 will be produced. The power loom weavers should be held legally responsible if it is discovered that they are making reserved items. Copyright Law should include weaving as TCE and grant protection under moral rights.

Keywords: Traditional Knowledge (TK), Traditional Cultural Expressions (TCE), weaving, custom, recognition, economic, development.

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PAPEL DOS TECELÕES TRADICIONAIS NO DESENVOLVIMENTO SOCIOECONÔMICO

RESUMO

Objetivo: Este estudo analisa o papel dos tecelões tradicionais no desenvolvimento socioeconômico, examinando a concorrência de mercado entre roupas tecidas tradicionais e roupas produzidas a partir de teares de potência. Este artigo também discute a relação entre as expressões culturais tradicionais e os direitos morais da Lei de Direitos Autorais.

Métodos: Este estudo é baseado na literatura coletada de fontes secundárias. Ele se baseia na Constituição da Índia, artigos de pesquisa publicados, livros didáticos, relatórios sobre convenções internacionais etc. A literatura é analisada pelo método descritivo-analítico.

Resultados: A Lei de Propriedade Intelectual é muito estreita para proteger os conhecimentos tradicionais (TK) e as expressões culturais tradicionais (TCE). As leis de DPI exigem que o trabalho das pessoas seja original e novo. Os tecelões tradicionais não cumprem os requisitos de originalidade e novidade porque os produtos são resultado de TK e TCE transmitidos de muitas gerações. Considera-se necessária uma lei sui generis para proteger os vestidos tecidos à mão fabricados pelos tecelões tradicionais. Essa legislação sui generis pode incluir proteção positiva e proteção defensiva, conforme previsto na Organização Mundial da Propriedade Intelectual (OMPI), para ajudar os tecelões tradicionais a ter acesso a uma quota de igual benefício e restringir a obtenção de direitos por terceiros sobre os produtos derivados da TK e da TCE. O direito consuetudinário é também uma das abordagens potenciais para reconhecer de forma holística os direitos dos tecelões tradicionais.

Sugestões: Recomenda-se incentivar a tecelagem tradicional para a sustentabilidade da cultura de tecelagem. No entanto, a geração atual pode melhorar as técnicas de tecelagem, misturando-o com novas tecnologias. A estratégia de marketing deve ser aprendida pelos tecelões tradicionais para atender às expectativas do mercado globalizado. Deve haver comunicação direta entre clientes e tecelões para entender a expectativa dos clientes. Isso abrirá caminho para tecelões tradicionais desenvolverem suas habilidades, designs e promoverem seus produtos diretamente no mercado. A fim de sensibilizar os consumidores, os produtos tecidos à mão devem ser promovidos. A Lei Handloom de 1985 deve ser implementada.

Palavras-chave: Conhecimento Tradicional (TK), Expressões Culturais Tradicionais (TCE), tecelagem, costume, reconhecimento, econômico, desenvolvimento.

1 INTRODUCTION

India is a land of diversity including cultural uniqueness. Variations in cultural expressions demands for the need to preserve them for sustainability of the community. Traditional weaving is one of the cultural expressions. Every traditional dress is uniquely
represented by the people of respective communities. Weaving as an art is performed since time immemorial. This art as a knowledge has been passed down from one generation to other. It is in threat due to lack of legal recognition. Traditional weavers are facing difficulties in selling their hand woven clothes in comparison to the power loom clothes. There is no uniform mechanism to provide suitable market to the traditional weavers. Moral rights of the traditional weavers are not protected. Their constitutional and legal rights are getting violated. Traditional weavers are not granted any legal recognition and protection for the traditionally hand woven dresses.

The human rights of traditional weavers are not protected. Intellectual property laws are insufficient to recognize the traditional cultural expressions of the weavers. WIPO, an international forum working for the uniformity of intellectual property laws among its member states have laid down special provisions for the recognition of traditional knowledge and traditional cultural expressions. Nagoya protocol, a supplementary provision of Convention on Biodiversity, 1992 provides that the member state should prepare a system to effectively implement access of benefit sharing and principle of free, prior and informed consent. These international conventions once implemented by the system can effectively secure socio – economic rights of the traditional weavers.

This paper addresses the role of traditionally hand woven dresses for the growth of India’s economy. The reason for deprivation is caused due to unbeatable competition and threat from the power loom industry. Traditional weaving is a cultural expression that can be protected as a moral right of the weavers in the manner as it is protected under the Copyright Law is highlighted in this paper.

The current Intellectual Property Law of India has kept traditional knowledge (TK) and traditional cultural expression (TCE) outside its scope. IPR focuses more on the individual work than that of collective work. TK and TCE are more of a combined work. Due to this characteristic TKs and TCEs are not included under IPR. World Intellectual Property Organization (WIPO) has placed TKs and TCEs under special provisions. Even WIPO as an international forum working for the integrity of IP laws have kept TKs and TCEs outside IPR regime. Economic Advisory Council to the Prime Minister in India has prepared a report on Documenting Traditional Knowledge. (A State of Documenting Traditional Knowledge, Economic Advisory Council to the Prime Minister, Govt. of India). This report also highlighted that presently IPR as a system has not evolved to
incorporate TKs and TCEs. To accomplish the demand of local communities there should be a concrete system to address their need.

Under the flagship of WIPO, traditional art and craft, artistic, literary art, indigenous paintings, folklore, folk dance, music, etc are included as TK and TCE. Traditional weaving is not specifically mentioned as one of the TKs or TCEs. However, literary and artistic work is considered as a form of TCE. Weaving is one of the forms of literary and artistic work because it requires skills and artistic knowledge of weavers. Literature is not documented in case of weaving but it exists in form of an oral content which has been transferred from one generation to other. With this it can be said that weaving also consists of literature and it requires artistic knowledge of an individual.

Weaving for instance is one such TCE wherein the skills and knowledge of weavers are shown in form of a dress. Dress is definitely one way of representing culture. The human attitude, spirit and values are seen in the dress an individual wears as a traditional dress. Weaving traditional dress has two positive aspects to it. One is preserving the weaving culture and transmitting the knowledge to future generation. Other is earning livelihood by selling them. Weaving is a social business working towards socio – cultural dimensions. It must be volunteered with public awareness and training, presence of accounting principles and cost benefit analysis. (Schmitt & Alberton, 2022).

This paper concentrates on socio – economic development through traditional weaving knowledge especially focusing on the indigenous community. It also emphasizes that weaving is a cultural expressions.

2 THEORITICAL FRAMEWORK

Traditional cloth is important for social, cultural, and spiritual as well as for economic development. (Minhus & Huie, 2021). The use of clothing as Traditional Cultural Expression (TCE) and its protection under IP laws can lead to the construction of small businesses and entrepreneurships. It can lead towards creation of jobs, and growth of local skills. Protection of traditional clothing under IPR laws may allow the weavers to sell them with profit. That would be considered to be one of the creative ways to make a living. The promotion of locally produced clothing also serves as a platform for the local communities to showcase their rich cultural diversity to a global audience. Sustainability of traditional knowledge of weaving can also attract equal opportunities between professional and personal life. Sustainable practices can also promote culture,
gender diversity, and responsibilities among weavers. This can also develop business strategy among them and generate moral growth. (Ribeiro & Gavronski, 2021).

2.1 TRADITIONAL KNOWLEDGE AND TRADITIONAL WEAVING

*Traditional knowledge (TK)* refers to knowledge, know-how, skills, and practices that have been produced, maintained, and passed down within a community. These practices are frequently an integral component of the community’s cultural or spiritual identity. (Brodi, 2010). Traditional Knowledge is an asset in many societies particularly in the lives of indigenous people. Its contribution in the community’s existence cannot be denied. The knowledge was accumulated for many decades having relevance for the sustainability of the community. Furthermore, the traditional knowledge is rooted with the community’s belief and some kinds of TK are also having its foundation in livelihood generation. There are some kinds of traditional knowledge which was developed with the invention of science and technology. One of the kinds is traditional weaving knowledge.

The term "*traditional knowledge*" also refers to the ideas, innovations, and customs embodied by indigenous and local groups that are important for the preservation and wise use of biodiversity. (Article 8(j), Convention on Biodiversity, 1992; UNESCO 2007). Traditional knowledge has a precious scope to facilitate in the national resources. Proper channelizing the community people’s talent can improvise the standards of living because it is the community who knows the best to use them as a source of livelihood. The usage of traditional knowledge is seen as an alternative way of promoting development among the communities in many parts of the world. (Githui et al., 2015). It means that people’s knowledge and skills can be a resource that can provide multiple solutions to them and it can also be a valued treasure for the nation. Traditional weaving is one such knowledge which is partially dependent on the biological resources. The flying shuttle used by traditional weavers as a tool of weaving is made of timber wood which is natural resources of planet earth. Some kinds of weaving uses natural fabrics like cotton, yarn made of mulberry silk, eri silk, etc. (Narayanamma & Padmasri, 2022). Thus, traditional weaving relies on the natural resources also having characteristics of traditional knowledge as given under Convention of Biodiversity, 1992.
2.2 TRADITIONAL WEAVING AND CULTURE

Weaving is also integrated with culture, knowledge, beliefs and practices. (Andk & Rao, 2014). It is a way of living for some group of people. Weaving is said to have economic importance too. For such group of people weaving is a source for livelihood and they also secure socio – economic advantage from it. (Chaudhary et al., 2015). It has comparative benefits in social and economic development. Weaving is regarded as one such skill that has capabilities for economic growth. Traditional Knowledge of weaving co – exist with culture and social attributes. (Maswekan et al., 2018). That makes the people to practice the same for its sustainability. Thus, to state that traditional knowledge grows and sustains in the society from one generation to other giving rise to interdependency in socio – economic development. (Chakrabarty et al., 2021). On the other hand culture and economy are also inter - connected. (Fedorenko & Volodmyr, 2021). The human attitude towards forming the society can become a guide for the future generation to carry out their daily activities. Changes in traditional and cultural values are inseparable due to advancement of science and technology but efforts to preserve customs and culture by the people is mandatory. (Febrianty et al., 2023).

2.3 CULTURE AND ECONOMIC GROWTH

Cultural values influence the economic growth of the nation. It is presumed that cultural growth and economic development are two sides of the coin. Cultural values, human ideology and human attributes influence the economic growth. (Wanjiku, 2016). Parallely cultural values are determined from the societal norms. People’s attitude towards understanding the importance of cultural values for the well being of economy also plays an important role. For a comprehensive development the unity between social, economic and cultural factors are inter related. It is considered to be inter related because economic development takes place if the properties are put in the market for profit. If the properties can survive in the competitive market then it can be said to have survived the marketing norms. A nation has the responsibility for effective human resource development for ensuring production, self – improvement, lifelong learning, professional development and innovative culture. (Nadezhda et al., 2023).
2.4 PROPERTY RIGHTS OF COMMUNITY

There are several categories of property. Movable, immovable and intellectual properties are the major kinds. Products derived from the traditional knowledge of local communities have some characteristics of intellectual property (IP). (Cross, 2010). They are relatable with IP because they are the creation of human mind. There are many types of property which are collectively created by the minds of people of a particular society. Simultaneously existence of society depends on those properties which are developed collectively by the likeminded people. With this it can be understood that society and economic development are both inter connected with one another. As far as the cultural dependency is concerned the properties which are derived from the collective work of people from a particular society represents the cultural values. (Chakrabarty et al., 2021). It is continued by keeping the essence of traditional factors. At a same time values and attributes of people complement the collective development of society and economy. Through this a positive correlation of society, culture and economy can be found. Development also depends on the degree of control over the property and resources with which the property is derived.

2.5 RULE OF LAW FOR SOCIO – ECONOMIC DEVELOPMENT OF TRADITIONAL WEAVERS

Applying the theory of rule of law for instance in the matter of cultural rights for assurance of good governance is an integral part of human rights. Rule of law since times immemorial has been accorded highest position. Law is considered supreme for the good governance and it is to be applied to everyone regardless of any status. M.V Dicey regarded rule of law as a central feature of the Constitution leading to 3 (three) meanings. They are supremacy of law, equality before law and Constitution being the product of common law. (Khanna, 2012). Aristotle also believed that rule of law determines the growth and development of civilized society. It removes the impact of differences among people regardless of social, political and economic disparities. (Khanna, 2012). In India Constitution is regarded as the supreme law of land. The Constitution is for the people of India which allows the people to attain equality, justice, liberty. (Preamble to Constitution of India). To provide these elements to people, the Central and State Govt. of India enacts law in par with the constitution. {Art 13 (2)}. 
2.6 CONSTITUTIONAL RIGHTS FOR LIVELIHOOD OF TRADITIONAL WEAVERS

The Constitution of India (COI) through the Directive Principles of State Policies (Art 39, COI) provides that the state is obliged to secure to its people adequate means of livelihood. In order to attain social justice and welfare state the govt. authorities must secure to its people the socio – economic justice. (Art 38, COI). Traditional weaving is an art through which beautiful dresses are produced that are continuously being used by the people. One section of people is producing the dresses and other sections are purchasing them. Connectivity can be found between traditional dresses and economy of the nation. There is an exchange of price for purchasing the traditional dresses. Livelihood is earned by the traditional weavers. Right to livelihood is an extended jurisprudence of right to life guaranteed under Constitution of India. (Art 21, COI). The state must prepare for providing these rights to the traditional weavers to uphold the spirit of Constitution. In order to secure the rights of traditional weavers the Central govt. of India also has enacted handloom law.

2.7 HANDLOOM LAW OF INDIA

The Handlooms (Reservation of Articles for Production) Act, 1985 was enacted in India with an aim to reserve some articles to be produced exclusively by handloom. Government executive has miserably failed to implement this Act comprehensively. The reserved items (Handloom Reservation of Articles for Production Act, 1985) are still found to be produced by the power loom. Rule of law is not prevailing. The traditional weavers are not getting equitable justice due to non implementation of this law. Despite of a law being in force the traditional weavers are still deprived of their rights. After having a law also the traditional weavers are facing troubles in competing with the power loom weavers.

2.8 INTERNATIONAL CONVENTIONS

As per WIPO toolkit 2017, traditional knowledge can grant positive and defensive protection. Positive protection grants TK holders some rights to use the products for their own purposes such as control the use or generate benefit from commercial exploitation. On the other hand defensive protection controls its usage and restricts others from getting commercial benefits from the products derived from traditional knowledge. The member
states of the WIPO can make such laws and rules in the respective state. UNDRIP, 2007 also acknowledges that traditional knowledge should be maintained, controlled and protected through intellectual property. The knowledge of communities should be respected and maintained for economic advantages.

UNDRIP also mentions that traditional cultural expression should be manifested by the indigenous people. Nagoya protocol, 2010 also addresses the need of acknowledging the value of traditional knowledge by the national laws. It concentrates mostly on those TK which are derived from genetic resources. This protocol mentions that community holding traditional knowledge through the products derived from genetic resources should get equal access of benefit shares. (Greiber et al., 2012). India being the member signatory to UNDRIP and Nagoya Protocol are obligated to form a committee to implement these provisions under the national laws.

3 METHODOLOGY

The author has conducted non-empirical study for this paper. The researcher has collected data from secondary sources. Text books, Bare Acts, internet documents, articles, research papers, international covenants, and theses are referred. Analysis of the literature is conducted based on the data collected from the secondary sources.

4 RESULTS AND DISCUSSIONS

The reason behind the need to protect traditional knowledge is to establish that they are placed at a very special position in the lives of indigenous people. India is the country with multiple communities having diverse cultural beliefs. There is a need to place the traditional knowledge by creating special laws under the umbrella of Intellectual Property Laws. This may cater specific support to the indigenous people. At the international forum WIPO has already placed them under special provisions considering its importance. But WIPO also has failed to recognize the rights of traditional knowledge holders for grant of patent, copyrights, trademarks, etc.

IPR system is too narrow to protect the traditional knowledge. The basic requirements of intellectual property are to protect the novel and original idea, work, innovation, etc of the people. However, traditional knowledge is based on the collective work of a respective community. Requirements of IPR laws and technicalities are not met by the communities. The knowledge is based on the literary, artistic, symbolic works of
the people which is undisclosed information in larger public. The knowledge is common only among their respective communities. The traditional work and articles are the creation of indigenous and local communities. It connotes the spiritual and cultural belief of the particular community.

Therefore, it is not just that the traditional knowledge needs protection but also the dignity of the knowledge holders should be protected. (Khatun & Salian, 2020). For the indigenous people their traditionally derived property is like a heritage. For them the property or articles derived from traditional knowledge is like a legacy which is even more important than economic development in an ideal situation. While the present IPR laws focuses more on the economic development rather than focusing on the protection of dignity and spiritual beliefs of people. Although the inventors of new scientific technology under patent law are granted rights for a period of 20 years. Moral rights are protected under Copyright law for original expression of work. Geographical indication law protects the community rights for goods produced in specific region. Inspite of that all kinds of TK cannot be protected under present IPR laws.

More than just a mere protection of rights under IPR regime, the indigenous people’s human rights, customary rights and property rights are also equally prevalent. Along with it economic rights are also important for the indigenous people. Thus, it is necessary to have a “sui generis” law for the protection of traditional knowledge. The etymological meaning of Sui generis means “One that is of its own Kinds”. (Kalaskar, 2012). It is recommended by the TRIPS Agreement that sui generis law is to create protection in those matters in which IPR cannot grant protection. It basically tries to grant protection to those creations that are derived from genetic resources or biodiversity. It also refers to a law that might protect creations, inventions, models, drawings, and designs, innovations contained in images, figures, symbols, petroglyphs, art, music, history and other traditional cultural expressions. (Nunez, 2008). Meaning thereby, sui generis laws can also grant protection to the traditionally woven dresses. Sui generis law can help the custodians of traditional knowledge to protect them from getting misused by third parties.

Traditional weaving can be regarded as Traditional Cultural Expressions as mentioned under WIPO, Booklet 2020 and UNDRIP, 2008. Traditional cultural expressions include dances, songs, handicrafts, designs, ceremonies, and artistic endeavors. They are an essential component of social and cultural identities, which reflect
the fundamental principles and values. The holders of TCEs keep and develop them as they are passed down from one generation to the next. They are continually growing, developing, and being renewed. (WIPO, 2020). Weaving can be regarded as a TCE because it clearly states in its description that TCE includes art, craftsmanship, and designs. One medium for expressing art has a lot to do with handicraft and includes designs in weaving. Not everyone is able to weave since it requires training and the use of artistic skills to create a single product. Every stage of the weaving process must be completed, and none of them can be skipped. Thus, to mean that traditional weaving is a traditional knowledge having relevance with their customary practices.

WIPO seeks to protect Traditional Knowledge and Traditional Cultural Expression in two ways. One is through Positive Protection and other is Defensive Protection.

i. Positive protection empowers the communities to promote their TK and TCE by controlling its uses from commercial exploitation. The same can be done through either the existing IPR system or by creating a sui generis legislation. This type of protection can help the communities in accessing share of benefit and royalty payment. (WIPO, 2020).

ii. Defensive protection can prevent the third parties from acquiring IPR of the properties derived from TK and TCE. This type of protection can help the communities to protect their cultural work from being obtained as an IPR by other communities. (WIPO, 2020).

India is a signatory and a member of the Nagoya Protocol, which was established in 2010. It seeks to obligate the parties to carry out this protocol in order to incorporate the Access and Benefit Sharing idea into the domestic legal framework. The member states are required by this protocol’s several requirements to respect, conserve, and safeguard traditional knowledge by preserving ecosystems and biological variety. This protocol went on to define access, benefit sharing, and fair and equitable benefit sharing. (Art 8, Nagoya Protocol, 2010). This protocol also states that if any third party before making use of a product derived from traditional knowledge should take free and prior informed consent from the holders of the knowledge. (Mathew, 2013). Any person exploiting such product for commercial purpose should share the benefit with the holders of the knowledge.
Indigenous peoples have rights to their cultural property under the United Nations Declaration on the Rights of Indigenous People (UNDRIP). In addition to the manifestations of their sciences, technologies, and cultures, such as human and genetic resources, seeds, medicines, knowledge of the characteristics of flora and fauna, oral traditions, literatures, designs, sports and traditional games, and visual and performing arts. Local Communities have the right to maintain, control, protect, and develop their cultural heritage, traditional knowledge, and traditional cultural expressions. Additionally, they have the right to preserve, manage, safeguard, and develop their intellectual property in relation to such traditional cultural expressions, traditional knowledge, and cultural assets. (Wanjiku, 2016).

The word "custom" refers to an ancient cultural practice. Many generations have continued to engage in these rituals, which have become common knowledge in the neighborhood. Customary law is thus one potential component of a holistic strategy that may also incorporate indigenous and customary practices as part of a larger resource of tools for safeguarding TK. (Kuruk, 2020). Local communities have their own sets of rights, laws, and regulations known as customary rights. It has to do with many different things, such as to keep the cultural heritage and knowledge systems, rights and duties pertaining to property and inheritance, and a code of conduct. Because the intellectual, cultural, and spiritual heritage of the indigenous people is at stake, the preservation of customary rights is extremely important. Specifically, customary right is made up of codes of behavior that bind its adherents. Due to their obligation to behave in a particular way, the community's members share it collectively.

5 CONCLUSION AND SUGGESTIONS

From the above discussion it is proven that there is a need to support traditionally woven products. It is to be encouraged from a sustainability point of view and also from marketing perspectives. Sustainability of traditional weaving is important because it is a traditional knowledge which has been passed down from one generation to other. It should be transferred to the future generation to an extend that the knowledge and culture survives for eternity. Weaving has become like a customary practices for the local communities of the respective region. Every individual has the responsibilities towards their own customary practices. These customary practices are important for integrity of the community. For any community to sustain the customary practices and cultural
identity cannot be neglected. The knowledge that people from ancient days have started should be continued in the future generation also. For that if required minor changes in the process can take place by acquiring the support of developed technical tools. In order to meet the expectation of present generation the usage of technical tools may be encouraged. In this way the knowledge will sustain and customary practices also will be carried out.

Marketing of traditionally woven products is one of the major challenges. The traditionally woven products are not able to meet the expectations of globalised market. Traditional weavers are not aware of the present market demand. They are not able to adopt the new designs and advanced technical tools and implement in the weaving process. This arises due to lack of direct communication with the customer. Most of the traditional weavers are not in direct contact with the purchasers/customers. The weavers’ just weaves and the final products are being carried by the middlemen to vendors/shops. The customers/purchasers buy from the shopkeepers/vendors who do not weave themselves. Middlemen continue to be a crucial source of knowledge on product specifications in terms of color, design, patterns, trends, and other market-related information. Middlemen control a significant portion of input supply as well as marketing channels. For traditional weavers, middlemen are the only information source. Due to the information gap, products are produced that buyers do not prefer. (Study Report on Problems and Prospects of Handloom Sector in Employment Generation in the Globally Competitive Environment, Bankers Institute of Rural Development).

Insufficient promotion of traditionally woven clothes is another reason for lack of marketing. Presently market is dominated by the power loom products. The customers are not able to differentiate between the products made by traditional weavers and power loom weavers. The power loom produced products are usually attractive with good designs and attractive color combination. Thus the customers are also attracted towards the power loom products than hand woven products. Therefore the hand woven products should be promoted to create awareness among the customers. This may promptly be done if the Handloom Act, 1985 is implemented comprehensively. The handloom department of respective state should often create awareness among the weavers about the reserved items. The establishments of power looms should be registered under the law with declaration that none of the reserved items shall be produced. If the power loom
weavers are found to be producing reserved items than they should be made liable for violating the law.

International conventions to which India is a signatory should be made effective. India as a state should work for the integrity of the international norms in par with other countries. International conventions are binding. Thus, Indian legislation can enact a law by including the provisions of international conventions for achieving the norms, guidelines and rules enshrined under them. The guidelines of UNDRIP, Nagoya Protocol and WIPO are determined of having a positive sets of norms for providing justice and equity to the local communities. The properties derived from the traditional knowledge can acquire equitable rights and benefits if these international conventions are implemented through a legislative law in India. Through this the local communities can further develop the product in achieving fair economic benefit from it.

The provisions of international conventions can be inserted in customary law of the respective communities. Customary law can prevent violation of the rights of traditional weavers. It can help to protect the human rights. A customary law can implement the defensive protection as mentioned under WIPO. This can restrict the third party from obtaining rights over the properties of local communities. In case of any dispute such customary law can be a source for judiciary to adjudicate the matter. Customary law can also include the principle of free and prior informed consent as provided by Nagoya Protocol. It can mandate any individual to acquire prior informed consent from the holders of the knowledge before exploiting the property in commercialized market. Also the holders of the knowledge can claim share of the benefit arising out of the commercialized product. Recognizing the importance of customary law in preserving cultural uniqueness and ensuring the welfare of indigenous people for future generations is crucial as we advance.
REFERENCES


