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# Protection of Bodo Handloom Weavers via Intellectual Property Laws – An Overview

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## ABSTRACT

*Predominantly in the Bodo society the dresses were weaved in every household as a part of their daily activities depending on the weather and climate conditions. But in the present scenario it is observed that the culture of weaving is diminishing in the semi urban and urban areas of Kokrajhar district and other three neighboring districts of Bodoland Territorial Region (B.T.R.). Generally, the Bodo traditional handloom weavers are from the remote places who are undertaking this activity for their livelihood. This paper emphasizes on dresses of Bodo tribe (especially women) weaved by the traditional weavers of Kokrajhar District, Assam by using the knowledge transferred from their forefathers. Bodo tribe is one of the largest tribal communities settled in Brahmaputra valley of Assam. They are unique and different in various ways including food habits, culture, language, weaving of their clothes and many others. Dresses that are being traditionally weaved since inception represents the cultural value and social relationship. Dresses are considered an integral part of one's cultural identity. It may be emphasized that if the traditional dresses weaved by traditional knowledge finds a place in the market then it will strengthen the financial position of the local weavers. It will resolve the unemployment problems among the youth. Also, it is observed from many years that these clothes are facing certain threats. The biggest one of them is lack of recognition. Therefore, this paper will focus mainly on granting recognition and protection to these dresses and to find out the reason regarding the disinterest among youth in learning the knowledge. The State must ensure to promote policies for inclusive living to ensure justice, fairness and equity so that the representation can be made in wider platform.*

**Keywords:** *Traditional Knowledge; Weaving; Handloom; Protection; Recognition; Bodo; Economic Development; Culture.*

## I. INTRODUCTION ABOUT BODOLAND TERRITORIAL REGION (B.T.R.)

Bodo is one of the indigenous ethnic and linguistic tribe settled in the North East part of India mainly in Brahmaputra valley of Assam but majorly they are found to be settled in the four districts of Bodoland Territorial Region (B.T.R.) that are Kokrajhar, Chirang, Udalguri and

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Baksa. B.T.R was formed on 27<sup>th</sup> January, 2020 by signing the third Bodo accord as a Memorandum of Settlement (MoS) between Government of Assam, Government of India, and Bodoland Territorial Council with 4 (four) factions of National Democratic Front of Bodoland (N.D.F.B) (the militant group), All Bodo Students' Union (ABSU). The second Bodo accord as a Memorandum of Settlement signed on 10<sup>th</sup> February 2003 with the Bodo Liberation Tigers (B.L.T) (militant group) and Government of India which led to formation of Bodoland Territorial Council (B.T.C) with four districts i.e; Kokrajhar, Baksa, Udalguri and Chirang which collectively was known as B.T.A.D under the sixth schedule of Constitution of India. The first Bodo accord was signed in the year 1993, leading to the creation of Bodoland Autonomous Council (B.A.C) between Government of India and ABSU.

## **II. ABOUT BODOS**

This tribe was initially dependent on the forest resources for their livelihood by developing their own tools and techniques for harvesting, weaving, cooking, etc. They are unique even in worshipping as they worship Shijou plant which can be found in almost all the Bodo houses protected with bamboo fencing which is known as Bathou. The traditional Kherai dance is performed by the group of women to signify the religious rituals. Bagrumba is another form of folk dance of Bodo performed by the group of women with the instrumental music played with Sherja, Shifung, Kham, Jotha by a group of men. The other traditional knowledge passed on from the forefathers are medicinal practices for therapeutic purposes that are derived out of wild plants for healing and curing of ailments and socially intertwined with forest around them. The healers are known as Kuberaj and Ojha who heals diseases like malaria, jaundice and internal bone dislocation by using such herbs. The Bodo houses are unique in its architecture. Traditionally the houses are made of bamboo, soil and covered with thuri. Each house, with its granary and other outbuildings, is surrounded by a ditch and fence; the later usually made of ekra reeds, jungle grass or split bamboo etc.<sup>2</sup> the Bodos construct three houses in different directions separated from each other but within a single campus. The three houses are known as N'mano (the principal house), Bakhri (the granary) and Chhwrano (the guest room). N'mano is constructed on the Northern side and is further divided into three parts, namely Iching (Kitchen), Okhong (Dining Hall) and Khopra (Master Bed Room). Bakhri is constructed on the Eastern side and Bathou, the traditional deity of the Bodos is placed in front of the Bakhri. Chhwrano is constructed in front of the homestead and the verandah of an N'mano is called

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<sup>2</sup> Nijra Brahma, "*The Traditional Housing System and Technology of the Bodos of Assam*", Online Journal of Multidisciplinary Subjects, Vol. 12, Issue – 3, 603, 602 – 609 (2018).

Khamchali. The Bodos had certain rituals as well as processes of construction.<sup>3</sup> Along with the houses for living, dining, etc. every household keeps other domesticated live stocks like pigs, cows, goats, chicken, so they also built and they built hangsw gogra, bwrma gogra, dao gogra, oma gondra, mwswo goli and mwisw goli respectively to keep these animals but small in size. Hangsw (duck), bwrma (goat), dao (chicken), oma (pig) are kept near family dwelling – house.<sup>4</sup> Along with these traditional knowledge, the Bodo women are also experts in breeding the silk worm and take out the larvae and sell in the market for the consumption by the local. The larvae of the silk worm are consumed round the year but it is preferred during the festivals like Bwisagu (Bihu). The silk worm cocoons are reared and spun into yarn using traditional method by the Bodo women which is later weaved into lustrous clothes out of it.

### III. ABOUT TRADITIONAL DRESSES OF BODOS

Therefore, weaving is also an integral part of every Bodo household. They have their own tools and techniques to weave their own dresses. In earlier days the women of every household used to weave their own dresses/clothes and as well as for the other family members of the house as a part of their house hold activities. Dresses for Bodo women comprises of Dokhona, Jwmgra, and Blouse. Generally blouses are purchased from the market and dokhona and jwmgra are hand woven by the women. “Dokhona” is of 3 metre long and 1.5 meter broad<sup>5</sup> that is worn in two folds, first one shall be wrapped around the chest and other part shall be wrapped around the waist which falls till leg to cover the whole body. There are different types of Dokhona. The types are Bidon (without design), pari aou aagor (design in border), aagor gwnang (with design), mwdwm gongse aagor (whole body design), maidi (pure cotton where starch is used). “Jwmgra” is like a dupatta/scarf that is taken around the neck and shoulder. The other variations of Bodo dresses are “Aronai” which is like a muffler that is used as a garland to felicitate and honour the guests, gift as a tribute and to respect the dignitories. Gamsa is another form of dress used by Bodo men which is worn by wrapping around the waist and usually falls until knee length. Hichima is another kind of wide size cloth which is used during the winter season like a shawl and also serves the purpose of thin blanket to stop the chilly winter wind<sup>6</sup>. Each type of dresses has its own values and significance.

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<sup>3</sup> Brahma, supra note 2 at 606

<sup>4</sup> Brahma, supra note 2 at 607

<sup>5</sup> Dr. Hemanta Mochahary, et al. “Traditional Weaving Technology of Bodo Community of Assam”. *Journal of Xi'an University of Architecture & Technology*. Vol. XII, Issue VI, 1753, 1752 – 1759 (2020).

<sup>6</sup> Ibid

#### IV. ABOUT THE TRADITIONAL HANDLOOM WEAVERS

At present, in Kokrajhar district the traditional handloom weavers are mostly from the locality called Dumbazar which is located at a distant from the main town market area of Kokrajhar. They are mostly into weaving of Dokhona which is considered as the main dresses for the Bodo women. Along with dokhona they also weave other items like jwmgra, hichima, aronai and gamsa. In the previous days every Bodo families used to carry out the activities of weaving. The traditional weaving techniques and the tools required for weaving can be well referred to the article titled as “*Traditional Weaving Technology of Bodo community of Assam*” published by Dr. Hemanta Mochahary, Dr. Ambeswar Gogoi and Bikash Chetia in the year 2020.<sup>7</sup> The traditional handloom is being carried out by the women of that locality. Through weaving they contribute for the livelihood and earnings of the family. Frankly speaking the art of weaving varieties of clothes and handicraft are rooted in every Bodo women as since age old the weaving is an integral part of every house hold activities. Without the weaving activities the household work were considered incomplete. Therefore, these women are accustomed to weaving through what they have observed from their mother, grandmother and other female family members. But nowadays it is observed that every Bodo families are not practicing the weaving in result the young girls and youth of today are not accustomed and acclimatized towards the whole process of weaving. Now this is a concern as dressing is one way of representing the culture. If the young generation does not learn then very soon the tradition and culture of weaving will diminish too. Moreover, the culture, traditions, customs of Bodos is orally passed through generations because of which there are no proper documentation to provide recognition to the Bodos in larger platform. However, there is a slight shift in the whole process of weaving as in the earlier days the women used to rear the silk worm and extract the “eri/endi silk” yarn out of them. But in present scenario the different types of raw materials, eri silk, yarn are easily available in the market. So, the weaving techniques are easier as compared to the previous times. Another important factor that comes along with weaving is designing of the dresses. Some Dokhona which is the main set of dress for the Bodo women are plain that are known as Bidon, Maldi (starched made of rice) Bidon, and some are designed with aagor. Aagor are again of different kinds. The Bodo women are very expert in putting designing on their weaving cloths. The Bodo women are able to put design very simply on their colourful cloths the shape of dreams, the beauty of nature, the shape of birds, the shape of animals, insects, and flowers etc. Hence, on their weaving cloths the beauties of nature reflect and the

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<sup>7</sup> Ibid

cloths are named by as natural title. The Aagors are of Phareo Megon (Pigeon eye), Daorai Mwkhreb (Winkle of peacock), Phul Mobla (Varieties of bloomed flowers), Daosha Mwkhreb (design of touch me not leave or flowers), Maoji Agan (Footprint of cat), Dingkhia Mohor (A design representing fern of Dhekia), Pahar Erkhwnai (Hill Design),<sup>8</sup> Bondhuras aagor, aagor gubwi, etc. The Bodo women weave the cloths and design it colorfully.

## **V. SOCIO – ECONOMIC DEVELOPMENT THROUGH WEAVING**

Agriculture used to be the main source of income in the olden days but weaving also contributed for the livelihood of Bodo families. Unlike before when Bodo women used to weave for the purpose of wearing but in today's time some Bodo women weaves for the livelihood of their family. Though due to modernization both agriculture and weaving are not practiced by every Bodo family but still there are some families from remote areas who are dependent on income generated by agriculture and weaving. As this paper is confined to weaving, therefore the author argues that if the traditional weavers find a suitable market then it becomes easier for them to earn their livelihood with a standard margin of profit. Because it is observed that the market at present is dominated by the dresses weaved using the power loom. Thus, it is definitely not possible for the traditional weavers to produce the same number of quantity of dresses as compared to the power loom industries. Therefore, the margin of profit is very less. Moreover, the traditional weavers from the remote places have to travel to the market to purchase the yarn, perform the entire nine steps to produce the dresses and travel back to main market or vendors to sell their products. So, it may be realized that the weaving can be a great source of income if a suitable market is found and it will also preserve the traditional knowledge that is being practiced since age old and also the cultural identity of the Bodo will remain intact. In such case if the traditional weavers finds a suitable market and gets standard amount of profit from it then the youth would also be encouraged to practice the weaving and take it as a profession or a source of income. As the National Education Policy (NEP), 2020 emphasized on vocational learning, thus, weaving can be one of the best vocational trainings for the youth. This will also resolve the problem of unemployment rather would generate employment. The job seekers do not have to go out of state in search of casual jobs at hotels, factories, industries or security guards. It is to mention that the dresses produced by the power loom can be easily differentiated from the dresses weaved by with handloom. At present though every Bodo women does not practice weaving but still a lot of women prefer to opt for dresses weaved by the handloom weavers. Therefore, it may be noted that the handloom

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<sup>8</sup> Bibungsar Swargiary and Rupeswar Boro, "An Overview of Weaving: - Bodo Women in the Present Context", *International Journal of Scientific & Technology Research*, Vol. 6, Issue 11, 184, 183 – 185 (2017).

weavers may never be at risk because the purchasers would opt for the dresses produced by handloom if the products are well promoted for a reasonable price at the suitable market. The social justice would also be served. This will contribute towards the economic development of the nation.

### **(A) Objective of Study**

1. To explore the traditions of weaving by the handloom weavers.
2. To grant recognition to the dresses weaved by the traditional handloom weavers.
3. To provide a suitable market to the handloom weavers so that they may compete with the weavers using power loom to weave such dresses.
4. To analyze the importance of handloom weaving for the integrity, sustainability and cultural identity.
5. To study to provide multiple protection to the handloom weavers through Intellectual Property Laws.

### **(B) Methodology**

This study is carried out concerning the Bodo handloom weavers of Kokrajhar District of Assam. The data are collected from secondary sources and through the observation made by the author. The sources of secondary data are books, journals, research articles, periodicals, etc.

### **(C) Limitations**

The present study is carried out subject to the Bodo tribe of Kokrajhar district only. The author ignores the Bodo handloom weavers of other three districts of B.T.R.

## **VI. DISCUSSION**

### **(A) Protection and recognition of these dresses through Intellectual Property Laws**

- i. **Copyright Act 1957:** As per observation or analysis made, the “aagor” of the traditional dresses of Bodo women deserve multiple protection and recognition through the intellectual property laws. Because artistic skill is required to design the “aagor” and make them beautiful and colourful dresses for the Bodo women. Copyright protection may be granted to the traditional knowledge owner community so that the artistic skill and the literary work manifested by the entire Bodo Community may be recognized and protected from further exploitation or re – use by the pirates. As the Bodo community themselves is the originator of the traditional weaving of their dresses the same must be protected through the artistic

skill and labour deserves protection under Copyright Act, 1957. The copyright law grants protection to the owner of the ideas who have transformed the ideas into an expression or a property. But the limitation is that the copyright grants protection only to an individual/association of persons who have applied for registration of the same before the Registrar of Copyrights. Also the copyright protection is granted only for a period of 60 years. Thus, if “aagor” designed by the Bodo women obtains copyright protection then the rights over such design will be restricted only for a limited period of time. After the period of 60 years expires the aagor will fall into the public domain. Moreover there is no renewal provision under the Copyright law. Therefore, it may be mentioned that the Copyright is not the appropriate approach to grant protection and recognition to the aagor of the Bodo traditional dresses unless and until the Act is amended and includes that the literary work involving artistic skills to produce a traditional dresses of any community could be granted protection for infinite period time so that the future generation of Bodo community is benefited by the same. The Copyright Act may include the works under the ambit of Traditional Cultural Expression by providing compulsory licenses and to award moral rights to the traditional weavers to safeguard the interest of Traditional Cultural Expression Owner.<sup>9</sup>

- ii. ***Geographical Indications of Goods (Registration and Protection) Act 1999:*** Another mode of protection of traditional knowledge under existing intellectual property is Geographical Indication. The concept of geographical indication is to grant protection to those products which represents the place of origin and that is unique depending on the weather, climatic condition, soil quality, lifestyle, geographical origin. Geographical indication builds reputation and goodwill to the product and it helps for the commercial publicity. Thus, if the end products like Dokhona, jwmgra, aronai, gets the GI protection like Aranmula Kannadi in Pathanamthitta District of Kerela, Kancheepuram silk saree of Tamil Nadu, Jamnagari Bandhani of Gujarat and Rajasthan. Pochampally Ikat produced in the districts of Nalgonda and some parts of Warrangal wherein ikat textiles are woven and is made of natural materials such as cotton, silk or combination of both by involving the process of wrapping, designing, warping, yarning, warping the loom, weft preparation and weaving just like the process of Bodo traditional dresses.

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<sup>9</sup> Carlos M Correa. “Traditional Knowledge and Intellectual Property - Issues and options surrounding the protection of traditional knowledge”, Kennedy Institute of Ethics Journal, (2010).

Therefore, the Dokhona and jwmgra if protected by GI will help the Bodo handloom weavers to sell their products with more profit margins. In this way the youth would be encouraged to learn the weaving and choose it as a career options which in result will solve the problem of unemployment. Better exploitation and promotion of traditional geographical indications would make it possible to afford better protection to the economic interests of the communities and regions of origin of the products.

## **VII. CONCLUSION**

From the above discussions, it can be concluded that the Bodo women are skilled with art of weaving which they have learnt from the elders of their family that have been practiced from many years. They have been carrying out the weaving activities to support their family financially and also the traditional cultural identity of the Bodo community is preserved. As dresses is one way of representation of culture and traditions because the customs like marriage, festivals especially “Bwisagu” that is celebrated on 13<sup>th</sup> and 14<sup>th</sup> of April every year as a Bodo New Year. Dresses form an important part of celebration of Bodo New Year as every woman must wear yellow colour Dokhna and red pahar erkhwnai Jwmgra while performing customs as well to rejoice the festive mood. In the marriage ceremony also a specific kind of Dokhona and Jwmgra is worn by the Bodo bride. The dokhona shall be aagor gubwi and jwmgra shall be red colour pahar erkhwnai. Therefore, if the aged old practiced traditional knowledge of weaving is not protected or recognized by the intellectual property law then there are chances that the knowledge might become extinct for various factors. One of the important factors is that due to lack of legal recognition the handloom weaved dresses are not finding a suitable market as they cannot compete in terms of production rate with that of the power loom products. In order to maintain a healthy competition in the market and avoid monopoly the power loom products cannot be said to be dominating the market. The handloom products shall also be an equal player in the market. Thus, if the market is streamlined the profit margin will also be more and directly it will help grow the economy of the nation. On the other hand the youth will also be encouraged to learn the weaving activities which will help the unemployment issues and at a same time the cultural identity will be preserved. There will be subsistence and sustainability of the traditional handloom products along with the power loom products.

## **VIII. SUGGESTIONS**

- i. As the handloom products are confined to the local markets due to several factors like low production rate in comparison to power loom, there is no sale of Bodo

traditional dresses in the larger market which has again led to lack of awareness among the public. In order to provide larger market to the handloom dresses the public shall be made aware to categorize the handloom products with that of power loom products so that the public emphasizes more to the dresses made with traditional methods for the protection of cultural values of Bodo.

- ii. The traditionally made dresses of Bodo women shall be granted GI so that they find a place in commercial market and more profit margins may be received by the weavers so that they can also secure their life along with earning livelihood. This will also enable them to engage additional help to enhance the production rate.
- iii. The Copyright Act, 1957 shall extend the protection to the “aagor” the design of the “Dokhona and Jwmgra” under the literary work to the Bodo women. The work may be included under the ground of traditional cultural expression to award recognition to the Bodo weavers and Bodo dresses under the ambit of Traditional Cultural Expression Owner.
- iv. The handloom dresses shall be encouraged so that the years long practiced of weaving remains preserved and now the Govt. of India has also started campaign on “*being vocal for local*”. Therefore, the local products shall be preferred over the power loom products by the buyers but also at a same time they shall be given varieties of options. Only then the four Ps of marketing will also be achieved which are product, price, place and promotion<sup>10</sup>.

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<sup>10</sup> Sakarsing Boro, “Marketing practices of tribal handloom weavers: A study on Bodo weavers from Udalguri district of Assam”, International Journal of Applied Research, 3(7), 1042, 1041-1046. (2017).

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