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Tangail Saree as Geographical Indication of Bangladesh

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Abstract: Tangail Sarees, a six-yard dress worn by women in South Asian countries especially Bangladesh, India, Sri Lanka, and Nepal, are renowned due to their unique weaving techniques, designs, and motifs. Tangail Sarees are famous due to their sophisticated designs and fine cotton and silk yarn, crafted on fly shuttle pit looms. Tangail Saree or Tant Sarees are Bengali cotton sarees originated in 1850s and flourished in 1890s decade. Basak community (Hindus) are its original weavers. This study explores the geographical indication (GI) conflict between Bangladesh and India about the Tangail Saree. The study highlights deficiencies in existing legal frameworks (indigenous laws and international instruments) regarding GI protection.

Keywords: Tangail Saree; India; Bangladesh; geographical indication; Basak; Tangail

1. Introduction

Lightweight texture and vibrant colors of Tangail Sarees make them women first choice for casual and festive occasions (Sen 2024). Attractive borders, creative pallus (decorative end portion of the saree), and galaxy of motifs imbued by local traditions and myths are their unique features (ETV Bharat English Team 2024). Their history starts from British empire in subcontinent. It's even claimed that this saree thousand-year-old tradition of the Bengali nation. Ibn Battuta, a famous traveler, has mentioned the weaving industry of Tangail (Basak 2021). The Tangail Sarees evolved over time, distinguished by floral and classic geometric designs, and exquisite threadwork.

Since the arrival of Delhi Sultanate in 1200s, delta of undivided Bengal (East & West) has been home of woven fine fabrics, in the subcontinent. These cloths were exported to Europe through the Gujarat ports. A full-length muslin Saree was so delicate that it could be packed into a matchbox. Dutch, French, Portuguese and British traders established colonies in East India for these fabrics. The British, monopolized the muslin makers of subcontinent. British shipped raw materials from their colonies including subcontinent to England factories and dumped finished cheaper, factory-made textiles back to subcontinent since the start of the industrial revolution in England (Banerjee 2024).

Fine muslin of Dhaka lost its market due to imposition of taxes by East India company, inadequate raw materials and cheap factory cloth flooding the subcontinent markets. After the decline of the muslin trade, these weavers, who used to weave plain muslin cloth for the European market, migrated from Dhamrai and Chauhatta of Dhaka to about 100 km away to Tangail. They migrated to Tangail on invitation by the zamindars (landlords) of Delduar, Santosh and Gharana due to the scarcity of muslin cloth, a search for more favorable climatic conditions and to create a new weaving center in the Tangail (Qureshi 2024). They settled in 22 adjacent villages of Tangail, especially Pathrail, Nolshodha and Gharinda in 1850, weaving only plain cloth. Mahatma Gandhi Swadeshi movement of 1906 intended to boycott cotton textiles arriving from Lancashire (England) increased the use of local cotton cloths made from the handloom industry in the East Bengal (today's Bangladesh). Suitable weather (water, soil, and humidity) of Bangladesh combined with centuries old weaving techniques of region gave birth to Tngails. Basaks focused more on weaving fine clothes for the local market. Basaks employed the pit loom, their previous experience of Dhaka Jamdani sarees and the "maku" (fly shuttle) technique to weave unique sarees. This type of saree eventually became recognized by the name of its place of origin, Tangail (Bhattacharya and Naima 2024a). Hence, Tangail Saree originated during British era nearly 250 years ago. Designs and motifs were introduced on unpattern cloth of Tangail Saree during 1923–24. In 1931–1932, jacquard looms were used to produce this saree (ETV Bharat English Team 2024). These handlooms helped create novel designs, hand-woven booties, and use of natural fibers during weaving. The term "loom" finds its roots in the Sanskrit word "tantu". Various types of looms include the pit loom, khatkhti loom, chittaranjan or mihi, Japanese loom, frame loom, and waist loom. In the Indian subcontinent, the pit loom helped in crafting famous muslin sarees. Traditional jamdani and other sarees are still produced on these pit looms. Over time, the fly shuttle, locally known as "maku" to weavers, was introduced to this loom. The Tangail Saree, was born as each thread was meticulously

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woven using this maku. The name “Khatkhathi Tant” for this loom is derived from the clicking sound produced when the shuttle moves at high speed.

The airy feel makes Tangail Saree a better choice for warm climates (Dowerah 2024) and a key revenue stream for enormous families in Bangladesh (Banerjee 2024). It's a long-standing weaving tradition that developed because of regional patronage, cultural assimilation, and historical migration is reflected in the saree (Jahan 2020). The lotus, paisley, and diamond shapes of Tangail Saree reflects local traditions¹ helping sustain cultural memory and communal identity (Anonymous 2024b). The taantis, or weavers, transmit their knowledge in unofficial, apprenticeship-based systems (Kiron 2021).

A geographical indication (GI) is a type of intellectual property (IP) that guarantees genuineness of a product and maintains its reputation by linking it to its specific geographical origin.² GIs stop “free riders” from misusing the reputation of a product linked with a geographical location. GI tagged products are usually 20% to 30% more priced compared to similar products without a GI tag (Shuvo and Jannatul 2024).

Bangladesh grants GI tags to products under the Geographical Indications of Goods (Registration and Protection) Act 2013 (section 12 & 13).³ Tangail weaving has developed from simple textiles to highly stylized sarees with elaborate geometric and floral designs by the 1920s. The distinctive material and aesthetic characteristics of Tangail sarees were further enhanced by the region's loom traditions, water composition, and climate (Mostofa 2024). The connection between the saree and its place of origin was cemented by these traits, as well as the weavers' long-standing identity and economic absorption into the area. Hence, the term “Tangail Saree” is not a general term but rather a geographical indication in the purest sense of the word; it refers to a product whose uniqueness, reputation, and legacy are closely associated with the Tangail region of Bangladesh (Haque and Shamima 2024). Current research highlights the history of Tangail Saree and the ongoing India -Bangladesh conflict on its GI claims.

2. Tangail Saree GI registration in India and Bangladesh

Director of Textiles, Handlooms, Spinning Mills, Silk Weaving & Handloom based Handicraft Division, Government of West Bengal, India applied in India on 8 September 2020 to obtain GI of “Tangail Saree of West Bengal”. The application was rejected on September 11, 2020, during formality examination due to naming discrepancies (name of GI product, “Tangail Saree of West Bengal”, “Fulia Tangail Saree”, “Tangail Jamdani” and Tangail Saree (Indian variety), and lack of historical proof. The reasons included violation of Section 2(e) of GI Act, 1999 of India “A GI cannot be coined or created, nor it is brand (Trademark) created by an Individual or a body”.⁴ The applicant submitted reply on January 21, 2021, contained documents referring to Tangail, Bangladesh as the place of origin. The examination report was issued on December 26, 2022, after the consultative group meeting held on November 10, 2022, suggesting amending the GI name. Accordingly, it was renamed from “Tangail Saree of West Bengal” to “Tangail Saree of Bengal” on March 30, 2023. The application was published in Indian GI Journal on August 31, 2023, allowing objections in 3 months. Since none opposed this GI tag from Bangladesh, “Tangail Saree of Bengal” was officially registered on January 2, 2024, till September 7, 2030 (Bhattacharya 2024a).

Bangladesh came to know about it from the official Facebook page of Indian Ministry of Culture on February 1, 2024. Businessmen and civil society of Bangladesh protested this move on February 3, 2024. Tangail district administration applied to DPDT on February 6, 2024, for the Tangail Saree GI. On February 7, 2024, DPDT “recognized” Tangail Saree as GI. The official GI journal (no. 32) of Bangladesh, published on 9 February 2024, describes the Tangail Saree specifications. GI certificate for Tangail Saree in Bangladesh was issued on April 25, 2024. A task Force was constituted by DPDT on March 13, 2024, to handle the Indian granted GI issue. Accordingly on May 6, 2024, an Indian lawyer Neel Mason, was hired to contest the Tangail Saree GI by India (Bhattacharya and Naima 2024b).

3. Legal Views

Bangladesh argues that “Tangail Saree of Bengal” is a misleading title indicating a vast region beyond the West Bengal and creating confusion in customers' mind (Bhattacharya 2024b). India argues that the suffix “of Bengal” in the GI tag sufficiently indicates the true geographical origin preventing misleading the public. Bangladesh argues that the Indian GI tag “Tangail Saree of Bengal” does not indicate the true geographical origin, i.e., Tangail of Bangladesh. Bangladesh claims that India intends to “free ride” the reputation of Tangail Saree which is an act of unfair competition under the Paris Convention. Indian GI tag violates the TRIPS Agreement, by confusing the public (Article 22.2(a), and constituting an act of unfair competition (Article 22.2(b)). Indian GI Agreement states that “weaving of the Tangail Saree of Bengal was basically confined within a particular Hindu weaver's community in East Bengal, having the surname Basak”. India argues that after the partition of 1947 and the creation of Bangladesh in 1971, it provided shelter and a livelihood to the Basak migrants (Sharma 2024) which flourished the Tangail Sarees with their “hybrid” and “unique” patterns and weaves (James 2024). A comparison has been given in Table 1 below.

The “History of Tangail Saree of West Bengal” of the Indian GI application states that a “West Bengal trader familiarized a Jamdani-like saree from Dhaka to West Bengal with extra-weft motifs all woven on the alternate pick, which was replicated to manufacture Tangail Saree in West Bengal” without specifying the time of the arrival of this trader. West Bengal climate was conducive to producing Tangail Saree, as “the type of paddy grown and the mineral content of water used” are essential for the quality and consistency of the Khoi starch. This contradicts Indian claim of the human factor of migrated weavers' skill. If natural factors are the reason behind the quality of Saree, then “Tangail” must not be used in the GI application. The migration of weavers

¹ Ibid,1

² World Intellectual Property Organization (WIPO).2017. Geographical indications: an introduction. https://www.wipo.int/edocs/pubdocs/en/geographical/952/wipo_pub_952.pdf.

³ <http://banglaip.com/downloads/GI%20Act-2013%20English.pdf>

⁴ <https://indiankanon.org/doc/864350/>

and their skills and knowledge during partitions is not strong as GIs must be associated with a specific territory. Migration of communities having produced any GI is a grey zone. Total number of such weavers and the volume of produced Tangail Sarees in Bangladesh and West Bengal can be gauged as a rubric. Whose weaved Sarees are more famous and who has a longer history of Saree production can be used as an indicator also.

Table 1. Comparison Between Bangladeshi and Indian Tangail Sarees.

Aspect	Bangladeshi Tangail Saree	Indian Claimed Tangail Saree
Geographical Origin	Originates in Tangail district, Bangladesh, historically woven by Basak community migrants from Dhaka region in the 19th century (Shuvo and Jannatul 2024).	Produced in West Bengal (e.g., Nadia, Purba Bardhaman) by post-partition migrant weavers (Bhattacharya and Naima 2024b).
Authenticity Claim	Name Tangail reflects actual geographic origin (Bhattacharya and Naima 2024b).	GI title “Tangail Saree of Bengal” is contested for appropriating Bangladesh's geographic identity (James 2024).
Production Technique	Woven by hand on pit looms and fly shuttle looms (maku), using traditional methods (Shuvo and Jannatul 2024).	Increasing use of power looms and synthetic threads leading to loss of original handloom character (Banerjee 2024).
Materials Used	100s count fine cotton, sometimes silk; rich borders and extra weft/warp motifs (Qureshi 2024).	Use of hybrid materials like polyester; mix of Tangail and Santipur styles (Bhattacharya and Naima 2024a).
Cultural and Economic Importance	Internationally recognized; exports 50,000 sarees weekly to India (Bhattacharya and Naima 2024c).	Relatively recent adaptation lacks global brand recognition (Banerjee 2024).

Basaks were followers of the 15th century preacher Chaitanya Mahaprabhu having roots in Nadia. During 1947, Basaks relocated from Tangail to Nabadwip, Phuliya, Samudragarh, Srirampur, Nasratpur, Nadia and Purba Bardhaman of West Bengal and established trade there. Archi Banerjee, in a report on titled “weaving narratives together: partition of Bengal and the Tangail Saree” reports about 100,000 handloom weavers in this area, majority of which have been shot down now (Banerjee 2024). Santipuri and Dhaneekhali sarees were already being produced in Naida and marketed in Kolkata due to rail from Nadia to Kolkata. Indians claim it as a hybrid of Shantipur design and Dhaka-Tangail.⁵ However, the evidence submitted in Indian GI application does not refer “Tangail Saree of West Bengal,” mentioning Tangail the birthplace of Tangail. Accordingly, Indian Tangail Saree GI is neither fully accurate nor convincing. Indian claim that “of Bengal” sets Indian Saree apart from its Bangladeshi counterpart (James 2024). Bangladesh claims that India's GI registration negates the historic and artistic bonds of Tangail Saree with Bangladesh (Xpress 2024). Bangladesh is concerned about possible economic disadvantages for its Tangail Saree producers (DeLeon 2024). Indian Journal No. 178 publication suggests subtle differences between weaves of West Bengal and Tangail Sarees, in design optics and yarn processing. Indian GI uses geography, “West Bengal” and later “Bengal” to indicate the geography and “Tangail” as a product name. While Bangladeshi Tangail Saree is updated of Jamdani Saree, Indian Saree is a fusion of Tangail and Shantipur weaves (Sen 2024). Whether both sarees (i.e. the original from Bangladesh (Tangail) and the hybrid from India (Bengal) can be simultaneously termed, Tangail is an unanswered question. India can't associate a craft by the “name of a region” that belongs to a neighboring country. There is also no area called “Bengal” in India. So, both Tangail and Bengal are contentious (Anonymous 2024).

4. Options for Bangladesh

India's GI registration process raises concerns about the fairness of this transboundary product. Three months appeal period to the intellectual property appellate board (IPAB) of India against any granted GI if any person has passed already. After abolishment of the IPAB in 2021, under the Tribunals Reforms (Rationalization and Conditions of Service) Ordinance 2021 of India, GI grant decision can be appealed to the Registrar of Geographical Indications and the High Court of India specifically IP divisions of Delhi High Court and Madras High Court exist. The Registrar or the High Court may cancel or modify the registration of a GI.

International GI framework does not adequately address cross-border GI products like Tangail Sarees (Calboli and Enrico 2021). The absence of a multilateral registry under TRIPS prevents transnational GI protection.⁶ Absence of international advocacy and legal readiness are the key reasons of failure of Bangladesh to defend GI rights in transnational GI issues (Alam 2021). TRIPS advises members concerned to seek a mutually agreed upon solution if there is confusion about the geographical origin of a GI. If such negotiations fail, the High Court can be appealed for cancellation of a GI. If the country court system does not work, the case can be taken to the WTO dispute settlement mechanism.

⁵ Ibid.

⁶ https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds174_e.htm

Tangail Saree can be registered as collective mark. Collective marks are registered by an association and indicate the origin of products from a specific area. Protecting GI products as "collective marks" through WIPO administered international Madrid System, helps trademark registrations globally after registration in the home country. Homonymous GIs indicates the names that are similarly spelled or pronounced but refer to different geographic territories. Sections 10 and 7 of Indian and Bangladeshi GI Act respectively have the scope of homonymous GIs if there is the adequate differences of the names, equal treatment of the producers, and the prevention of consumer misleading. TRIPS establishes a threshold standard for GI giving liberty to member states to adopt this homonymous system. Bangladesh should demonstrate that these conditions are fulfilled (Karim 2024).

5. Conclusions

Fine stuff, and warp designs by using colored yarn make Tangail cotton sarees of Bangladesh famous. The GI conflict between India and Bangladesh on Tangail Saree highlights significant deficiencies in policy implementation and doctrinal precision. The absence of a coherent interpretation and inadequate cross-border implementation can lead to legal ambiguity, affecting the lives and livelihoods of individuals associated with Tangail Saree. The study indicates that international instruments like TRIPS should be updated to handle the evolving issues of GIs.

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