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An Empirical Study of Bell Metal Ware of Datia and Tikamgarh under the Aegis of Geographical Indications Act, 1999

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ABSTRACT

The objective of this study was to analyse the effectiveness and discrepancies of the Geographical Indications ("GI") Act, 1999. The sterling impression of GI protection will be established by the products that have already been registered. The authors have selected Bell Metal Ware of Datia and Tikamgarh ("Bell Metal"), which got recognition as GI in 2008. Data was personally collected by the authors from producers of Bell Metal in Tikamgarh Town, Madhya Pradesh, and interviewed by using a questionnaire. The results indicate that almost all the producers know about GI tags but are not aware of their utility and exclusive economic rights. The study further identifies the problems and states some practical solutions for the sustainability of Bell Metal, which, if generalized, can be applied to other products also.

Keywords: *Geographical indications, producers, bell metal ware of Datia and Tikamgarh, GI Act, GI tag*

I. INTRODUCTION

Today Intellectual Property (*hereinafter* referred as "IP") is the new oil for the whole world. Every country is striving to have a strong IP ecosystem, so as to become a strong economy. As we all know, the importance of IP in our daily lives. Right from a research article to a simple pen; all have Intellectual Property Rights (*hereinafter* referred as "IPR"). IPR can be of different kinds, but it can be divided into two prominent classes based on utility which are : Industrial Property Rights and Artistic Rights (or "*Copyright*"). Industrial Property Rights includes all those IPRs which are meant to be produced for industrial usage – Patent, Trademark, Plant Varieties, Geographical Indications (*hereinafter* referred as "GI"), Designs, Biodiversity. Whereas Copyright includes neighbouring rights also.

We can differentiate each IPR not only on the basis of their characterization (*as above mentioned*), but on the basis of their nature of ownership also. It is very important to note that,

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all the IPRs are owned by an individual or an entity but, GI is the only IPR which is owned by group of individuals as sometimes called as “*group rights*”. This particular constituent makes GI stand out among all other IPRs.

GI are known to protect the traditional knowledge (*hereinafter* referred as “TK”) and rich heritage of the nation³. The concept of GI that we know today is not the same when it was originated. The impetus for developing the concept is to dedicate respect and converge economic benefits arising from locally produced products to the region. At the international level, GI was protected to identify and protect the traditional culture existed in local region. Earlier this was a morally binding concept but later on it developed into a means to protect traditional heritage, able to be encashed in prosperity to local economy. GI is an infant in the domain of IPR, but the most capable means for ensuring development to local regions without any capital investment. This enables the nations “*to go global with local efforts.*”

GIs are those marks which acts as a bridge between particular geographical area and product. Some goods possess qualities that are inherently linked to specific geographical regions and are distinct in quality from other goods. The indication is given for associating the product with the region of origin known as “*geographical indications*”. With the international intervention, countries in the world have enacted and developed their own version of GI protection which is confined to their country only. As the IP law is a national matter and provide protection within the country only.

India has enacted the law for GI protection, but it has many challenges. The protection was given under the “*sui generis*” legislation and implemented in the year 2003. However, despite of having legislation in 1999, there are enormous issues regarding GI protection in India. These issues are not only curbing the potential of GI goods but also limiting the scope of “*exclusive economic rights*” of the producers. Like in the case of Tirupati Ladoo, the Indian GI regime was criticised on the lack of post-GI mechanism for quality checks. It has busted out the reality of GI protection and made fun of not only religious sentiments but also the image of India on international platform. Therefore, it is necessary to deep dig into the challenges and find out the effective solutions.

Datia and Tikamgarh Bell Metal has chosen as a topic so as to ascertain the ground level difficulties that the product is facing and also cater the common problems of other GI products in India. This article provides an insights and solutions for the problems that would be helpful

³ Chandima Shyamali Tennakoon, *The Role of Geographical Indications in promoting Sustainable Development: Intellectual Property Rights as a tool for Economic and Cultural Preservation*, 9(2) EPRA IJRD, 20, 25-28, (2024).

for the all GIs in Indian as well as some generalized suggestions for all GIs of the world. This paper examines the GI protection in India with the help of analysing bell metal through empirical data. This paper provides the real picture of GI protection and implementation in India, as it is based on primary data. While analysing the primary data, the authors identify the problems faced by GI producers in India. This paper further suggests some solutions for better GI protection and implementation which will not only beneficial for India but for other country's GI regime.

A. Prominence of the study

Any legislation is considered successful when it is able to fulfil its objectives. Likewise, GI Act will be considered successful if it is able to attain its objectives. In this study the authors will analyse the workability or efficacy of GI Act by conducting an empirical study on GI registered product (i.e., bell metal ware of Datia and Tikamgarh). The research will not be limited to ascertaining generalised challenges of GI product but find out the explicit challenges to bell metal. It is important to keep in mind that every product that has registered as GI is important, and it is the duty of the researcher towards society to find out challenges faced by every product individually. If a problem is not identified, then we will not be able to reach the ultimate solution. This study will encourage other researchers to ascertain problems of other GI products so that the government or law-makers can ascertain the challenges and make ideal changes to the existing regime.

B. Why bell metal ware of Datia and Tikamgarh

Bell metal ware of Datia and Tikamgarh is the 4th (fourth) product of Madhya Pradesh ("M.P.") that got a GI tag and one of the oldest crafts practised in India. This craft can be traced back to the Harappa civilization. Bell metal is not only crafted in M.P. rather in other states also. But this craft is under danger of extinction. So, it is important to procure the traditional heritage of our country, and that is the reason this product was selected to analyse the effectiveness of GI law and shortcomings in the achievement of objectives provided under GI law.

C. Literature review

- Pravertna Sulakshya, 9(2) NLUJ Law Review (2023) – This article elaborates the injunction procedure in IPR. Also, this article evaluates various tests of injunction. It

focuses on the importance of injunction in the field of IPR through civil proceedings and SRA⁴.

- Yashna Walia & Shreya Kumar (2020) – The article highlights the successful GI and failed GI products as an example to elaborate the problems of GI Act, 1999. It provides certain effective measures to deal with those problems⁵.
- Priti Devi (2017) – Article elaborates that, “bell metal craft is the second largest handicraft of Assam”. In Assam, the economic viability of producers of bell metal is dependent on the middlemen. The researcher has elaborated problems of bell metal of Assam in 10 different heads after collecting communicating personally with the artisans⁶.
- Mamatarani Sahoo (2017) – In this article, the author has stated that the bell metal and brass craft industry is declining. It has made a comparison with the other metals as other metals are cheaper and affordable. The cause behind declining is the sales and manufacturing of cheaper imitations⁷.
- Sangita Das (2018) – Article states the challenges faced by the craftsmen involved in bell metal of Assam. Also suggested some suggestions to overcome those challenges⁸.
- Dr. Anjali Pandey (2023) – Article elaborates the method of making Tikamgarh bell metal art, describing the whole process and equipment used⁹.
- Ashish Ghosh & Dr. Tanima Bhattacharya (2023) – The article discussed about the challenges faced by the bell metal crafts of West Bengal (Birbhum district). It has highlighted issues relating to the craft and suggested some practical steps for the revival of the craft¹⁰.

⁴ Pravertna Sulakshya, *Guesting the Temporary: Injunction or Injustice? Analysing the Position of Temporary Injunction in IPR Matter*, 9(2) NLUJ L. Rev., 171 (2023).

⁵ Yashna Walia & Shreya Kumar, *The Success and Failure of GI Tag in India: A Critical Analysis of the working of Geographical Indications of Goods (Registration and Protection) Act, 1999*, 1(1) E-JAIRIPA, 232, 232-254 (2020).

⁶ Priti Devi, *Bell Metal Industry of Assam in the Contemporary Market Environment: A Viability Assessment*, 7 (3), INTERNATIONAL JOURNAL OF PHYSICAL AND SOCIAL SCIENCE, 32, 35-40 (2017).

⁷ Mamatarani Sahoo, *A Comparative Study of Brass and Bell Metal Products with its Substitutes*, 6 (1), PARIPEX – INDIAN JOURNAL OF RESEARCH, 862 (2017).

⁸ Sangita Das, *Problems and Challenges faced by the Craftsmen/Artisans engaged in the production of Bell Metal Products – A Study made in Sarthebari of Assam*, 6(1), IJCRT, 546 (2018).

⁹ Dr. Anjali Pandey, *Metal Art of Tikamgarh*, INTERNATIONAL JOURNAL OF RESEARCH – GRANTHAALAYAH (March 31, 2023), <https://www.granthaalayahpublication.org/journals/granthaalayah/article/view/5084/5071>.

¹⁰ Ashish Ghosh & Dr. Tanima Bhattacharya, *Assessment of the Issues and Opportunities of the Traditional Brass and Bell Metal Crafts of Birbhum District, West Bengal*, 4 (2), CDSAD, 107 (2023).

D. Research gap

Authors have analysed all the literature available on the topic and discovered that the research papers on legal challenges of one particular GI product are few in number. There are few empirical researches conducted on GI product but not from the legal perspective of the GI Act. To fulfil this gap, the authors have selected this topic and adopted the empirical method to ascertain true legal discrepancies.

II. UNDERSTANDING “GI” – THE EVOLUTION

GI represents a novel concept that has evolved through the Paris Convention¹¹, but its definitive legal framework was established in the TRIPS Agreement. Though the name “*geographical indications*” has not been used anywhere before 20th century, it was protected in some country by their own existing legal structure. It was only the TRIPS, after when the official recognition to GI brought forth.

The Paris Convention advocates protections to “*indication of source*” (*hereinafter* referred as “**IOS**”) and “*appellation of origin*” (*hereinafter* referred as “**AO**”)¹². The Convention has protected the GIs in the form of these two terms. The Madrid Agreement¹³ was the first agreement which has “wine-specific” rules and because of this agreement, it was possible to protect GIs in the form of “*Collective Marks, Certificate Marks or Guarantees Marks*”¹⁴ under Lisbon Agreement.

All the three agreements were not able to protect GIs by the designation of their name with the origin place. It was the World Intellectual Property Organisation¹⁵ (*hereinafter* referred as “**WIPO**”) established in 1967, prepared a new treaty on IPR which harmonises the system at international level. This document known as TRIPS¹⁶. This Agreement protects the GIs and provides a homogenous rule for all the member countries. This clearly states that the GI is a matter of state concern and not put any obligation for “reciprocal protection” to other countries¹⁷.

For the first time, the term “GI” was introduced and have a definition to clarify the term. The

¹¹ The Paris Convention for the Protection of Industrial Property, March 20, 1883 (*hereinafter* referred as “Paris Convention”).

¹² The Paris Convention for the Protection of Industrial Property, art. 1(2), March 20, 1883.

¹³ Madrid Agreement for the Repression of False or Deceptive Indication of Source on Goods, April 14, 1891 (*hereinafter* referred as “Madrid Agreement”).

¹⁴ Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, Oct. 31, 1958 (*hereinafter* referred as “Lisbon Agreement”).

¹⁵ WIPO – A specialised agency of United Nations Organisation (UNO).

¹⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Jan. 1, 1995, U.N.T.S. 299 (*hereinafter* referred as “TRIPS Agreement”).

¹⁷ Agreement on Trade-Related Aspects of Intellectual Property Rights, art. 24.9, Jan. 1, 1995, U.N.T.S. 299.

TRIPS Agreement define GI as: “*Geographical Indications are, for the purpose of this Agreement, indications which identify a good as originating in the territory of a member, 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*”¹⁸.”

III. LEGAL PROTECTION - INDIAN "GI" STATUTE

Before TRIPS, there was no obligation to frame a legal protection on GIs. In that phase, India protects GIs not in the form that they are protected at present times but in other manner. For restricting someone from using unethically, “injunction” was used¹⁹. Although there were provisions in the civil procedure and limited criminal means of punishment, the producers were indifferent towards protection of this property. The TRIPS Agreement was the first document that provided official recognition to GIs. India, being the signatory of TRIPS, provides legal protection to GI by enacting separate law for GI. The Agreement has made an obligation for every member country to provide legal protection to all IPRs in their own country²⁰. India also provides legal protection to various IPRs through enacting separate laws. India protected GIs through separate law in 1999.

A. Indian legislation – GI Act, 1999

The Geographical Indications of Goods (Registration and Protection) Act, 1999²¹ (*hereinafter* referred as “**GI Act**”) came into force on Sept. 15, 2003²². The Act has 87 sections that are divided into 11 chapters. It provides various definitions²³ which include ‘authorised user’, ‘geographical indications’²⁴, ‘goods’, ‘indication’, and ‘producer’.

The Act describes the procedure of registration of products as GI, registered users, and authorised users. The effect of registration and the “rights conferred through registration” are described in detail within the Act²⁵. The Act states the infringement and offences also.

Aptly speaking, the law of GI is divided into two segments: the GI Act and the GI Rules of

¹⁸ *Id.* At art. 22.1.

¹⁹ Sulakshya, *supra* note 4.

²⁰ Dr. Faizanur Rahman, *An Exploration of the Laws and Systems for the Protection of the Geographical Indications in USA, China and India : A Comparative Analysis*, 1, MIPR, 125, 127-130, (2016).

²¹ The Geographical Indications of Goods (Registration and Protection) Act, 1999, § 1(1), No. 48, Act of Parliament, 1999 (India).

²² *Id.* at § 1(3).

²³ *Id.* at § 2.

²⁴ *Id.* at § 2(e) - “*geographical indications, in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods or originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.*”

²⁵ *Id.* at Chapter IV; § 21.

2002²⁶ and 2013²⁷. The rules contain all the necessary procedures on which the Act is silent.

B. Amendments to GI Act

In 2021, the GI Act²⁸ was amended by the Tribunals Reforms Act, 2021²⁹, came into force on April 4, 2021³⁰. The Act has replaced the word “tribunal” with the words “Registrar or the High Court, as the case may be”³¹. This amendment shows that the government understands that the tribunal is not competent to resolve and secure the rights of the producers as GIs directly affect their right to livelihood³².

C. Proposed amendments to the Act

The Government of India³³ through the notice invited the amendments in the GI Act, 1999 from the stakeholders³⁴. Various experts have suggested various suggestions for the amendment in the Act. Prof. Ganesh Hingmire³⁵ (a GI expert) said, *“India has the potential to register over 10,000 GIs, but to realise this, amendments to the current act are necessary”*.³⁶

The time will decide the amendments which government make in the Act. But the government should consider the suggestions and look after the legislation of those countries who have successful GI regime like Europe, USA, China, etc. Because India has 643 GI products whereas China has 9785, EU countries has above 16000 registered GI in the year 2024³⁷.

D. Challenges to the Act

There are some challenges of the Act that needs attention on the urgent basis so as to cater maximum economic benefits and secure rights of producers as early as possible. These challenges include:

²⁶ The Geographical Indications of Goods (Registration and Protection) Rules, 2002, March 8, 2002, G.S.R. 176(E).

²⁷ The Geographical Indications of Goods (Forms & Making an Appeal and Fees thereof) Rules, 2013.

²⁸ The Tribunals Reforms Act, 2021, Chapter XVII, No. 33, Act of Parliament, 2021 (India).

²⁹ The Tribunals Reforms Act, 2021, § 1; Long Title, No. 33, Act of Parliament, 2021 (India).

³⁰ *Id.* at § 1(2).

³¹ *Id.* at § 22.

³² *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180 (also known as “Pavement Dwellers Case”) (India).

³³ Government of India through Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry.

³⁴ DPIIT, For inviting comments and suggestions on “The Geographical Indications (Registration and Protection) Act, 1999 (Act 48 of 1999)”, (Issued on September 27, 2024).

³⁵ Prof. Adv. Ganesh Hingmire – founder and chairman of Great Mission Group Society (GMGS), a Non-governmental organisation. He was awarded with National IP Awards in 2015 & 2016.

³⁶ Govt proposes to amend Geographical Indications law, seeks comments, BUSINESS STANDARD, (October 1, 2024, 4:30 PM), https://www.business-standard.com/economy/news/govt-proposes-to-amend-geographical-indications-law-seeks-comments-124100100750_1.html.

³⁷ WIPO, IP Facts and Figures 2024 – Geographical Indications, <https://www.wipo.int/web-publications/ip-facts-and-figures-2024/en/geographical-indications.html> (last visited on December 20, 2024).

- Generic products are not eligible for registration. This neglects the basis criteria of providing recognition to the place of origin and producers.
- Lack of post-GI quality and monitoring mechanism.
- Lack of grassroot level assistance authority.
- Government should not be a registered user of GI product because the authority is not the one who works for the producers' interests.
- Lack of awareness among consumers.
- Lack of uniform GI logo or authentication mechanism as we find in EU.

IV. BELL METAL WARE OF DATIA AND TIKAMGARH - LEGAL PERSPECTIVE

A. History of bell metal ware of Datia and Tikamgarh

The “Dancing Girl” in the Harappa is the evident example of the metal-wax craft. Bell metal craft has been practised in different parts of India like M.P., Odisha, Bihar, Assam, Andhra Pradesh, Chhattisgarh, etc. The craft in all places is different from each other. Out of these, only two of them have got GI recognition – from M.P. and Andhra Pradesh. In M.P. the method followed by artisans was “lost-wax casting”. In M.P., bell metal got GI recognition in the year 2008.

Tikamgarh and Datia are the two districts where this craft is practised. Although the craft in these places are different altogether; only the method of making the craft is similar.

1. Tikamgarh Bell Metal Ware

This work is prominent in the Tikamgarh city only. There are in total 70 producers who have knowledge about the craft, but about 1/3rd of them is inactive because of the less sales and lower market opportunities.

2. Datia Bell Metal Ware




In Datia, Jaal work is famous. Only 1 family is actively working on the craft, but not in the original manner. Previously, there were approximately 50 producers practised this craft. But overtime it has become less prominent.

B. The GI recognition – a glance

The bell metal got registered as GI in the year 2008, but the application was made in the year 2007. GI registration is valid for 10 years from the date of application and afterwards renewal of registration for next 10 years. This renewal facility has no time limit means it is valid

perpetually. The registered user of bell metal is “Development Commissioner(Handicraft), Ministry of Textiles, Government of India³⁸”. The bell metal is registered under Class-6 good³⁹. There are about 64 producers (artisans) registered as authorised users.

The researchers have collected data personally from the producers and one of the producers is represented in the Fig. 1.1. The logo of the Tikamgarh bell metal is shown in Fig. 1.2.

		
<p>Figure 1.1 – Producer of Bell Metal in Tikamgarh Town and his shop named “RAMA handicraft”.</p> <p>Authorised User Id - AU / 510 / GI / 102 / 10</p>		<p>Figure 1.2 – GI Logo of Bell Metal.</p>
<p>Source: Primary Data</p> <p>(Collected by authors personally)</p>		<p>Source: GI Registry⁴⁰</p>

It is important to note that, the logo of bell metal ware of Datia and Tikamgarh has been registered in the year 2012 and valid till 2022. But the government [DC(H)] has not filled the renewal application instead in the year 2015, the government has filled a new application for another logo for bell metal ware of Datia and Tikamgarh, which refused to be registered as GI logo by GI registry. The reason behind the refusal was conflict between the existing logo and new requested logo – that it will create confusion among producers and consumers.

V. METHODOLOGY AND DATA ANALYSIS

A. Methodology

The primary objective of the authors is to determine whether the Producers encounter any obstacles in pursuing the craft, also whether they make themselves economically viable after getting GI on the product and how far the producers rights are secured. The secondary

³⁸ *Bell Metal Ware of Datia and Tikamgarh*, GIR, <https://search.ipindia.gov.in/GIRPublic/Application/Details/102>.

³⁹ *Id.*

⁴⁰ GI Registry, <https://search.ipindia.gov.in/GIRPublic/Application/Details/388>.

objective is to understand the ability of Bell Metal Ware of Datia and Tikamgarh to sustain as a unique product economically and socially. Therefore, the objective will be fulfilled by questioning the producers and record the relevant responses. It is an “empirical study” based on the collection of primary data with the help of questionnaire. The study was conducted on sample of 20 (Twenty) producers belonging to the Bell Metal Ware of Datia and Tikamgarh in Tikamgarh town, M.P. State, India. The authors have opted for convenience sampling. Only those producers were interviewed who are available and were ready to be interviewed. There were approximately 70 producers in the Tikamgarh town, who practised this craft, around 1/3rd is currently inactive and perform other works. The data was collected from December 10, 2024 to December 20, 2024 at Tikamgarh town, M.P. That all the 20 (Twenty) producers (respondents) were personally met and asked for their responses. The report of the data collected or survey does not reflect the personal opinions of the authors.

B. Data analysis and result

The data has been distributed into 4 categories and analysed accordingly. The first category comprises of questions relating to the basic GI awareness among producers of Bell Metal in Tikamgarh town, the second category comprises questions relating to sustainability of the product, the third category comprises questions relating to the efforts by State/Central government and lastly, the fourth category comprises questions relating to legal protection of Bell Metal as GI.

The data is represented with the help of pie chart, line chart, bar chart and tabular representation. In the diagrammatic representation, the results are represented for the convenience of the readers. The report of the data collected is mounted hereinafter.

1. Awareness about GI among producers – basic details

For analysing the effectiveness of the GI Act on Bell Metal and awareness of producers about GI, the basic questions were asked to the respondents. There are four questions under this segment that include knowledge about – GI tag for the product, the utility of GI tag, GI Act and authorised user. The result of the questions is represented in the form of a pie chart.

a. Do you know that the Bell Metal ware of Datia and Tikamgarh got Geographical Indications Protection (GI Tag)?

RESPONDENT RESPONSE										RESULTS		PIE CHART
R	R	R	R	R	R	R	R	R	R	TOTAL	%	

1	2	3	4	5	6	7	8	9	10						<div><div><div>0%</div><div>100%</div></div><div><div>■ Y</div><div>■ N</div></div></div>	
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	20	Y	N	Y	N		
R	R	R	R	R	R	R	R	R	R		20	20	0	100%		0%
11	12	13	14	15	16	17	18	19	20							
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							


Source: Primary Data

Blue – Yes(Y)

Red – No(N)

The graphical representation (pie chart) above represents the outcome of the question [i(a)], manifesting that 100% of respondents possess knowledge about the GI tag on Bell Metal. This shows that all the producers are aware of GI recognition on Bell Metal.

b. Do you know about the utility of GI Tag and about your rights as a producer of GI tagged product?

RESPONDENT RESPONSE										RESULTS				PIE CHART	
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL		%			
N	N	N	N	N	N	N	N	N	N						
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20	20	Y	N	Y		N
											0	20	0		100
															%

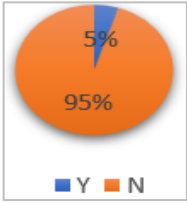
Source: Primary Data

Blue – Yes(Y)

Red – No(N)

The graphical representation (pie chart) above represents the outcome of the question [i(b)]. The above question was asked to 20 producers of Bell Metal in Tikamgarh town; the answer was overwhelming, as all the 20 respondents were not aware of their rights and the utility of the GI tag. This shows 100% of producers have no awareness about the usefulness of GI.

c. Have you heard about the Geographical Indications of Goods (Registration and Protection) Act, 1999, under which GI Tag is protected?

RESPONDENT RESPONSE										RESULTS					PIE CHART
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL		%			
N	N	N	N	N	Y	N	N	N	N	20	Y	N	Y		N
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20						
N	N	N	N	N	N	N	N	N	N		01	19	05		95
													%		%

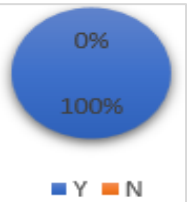
Source: Primary Data

Blue – Yes (Y)

Red – No (N)

That the result of the question [i(c)] is manifested in the above graphical representation (pie chart) that 95% of respondents never heard about the GI Act. The above question was asked to 20 producers of Bell Metal in Tikamgarh town, and the majority of the producers, i.e., 19, have no knowledge about the GI Act, 1999, whereas only 1 respondent has heard about the Act. This shows that there is negligible legal literacy about GI protection among producers.

d. Are you an Authorised user of or you have made an application for Authorised user?

RESPONDENT RESPONSE										RESULTS					PIE CHART
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL		%		<div></div>	
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	20	Y	N	Y		N
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20						
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		20	0	100		0
													%		%

Source: Primary Data

Blue – Yes(Y)

Red – No(N)

The graphical representation (pie chart) above represents the outcome of the question [i(d)]. The above question was asked to 20 producers of Bell Metal in Tikamgarh town, the answer was prodigious, as all the 20 respondents were authorised user of GI. This shows 100% of producers got registered as an authorised user. To assess the GI literacy among producers of Bell Metal, above questions were asked to them.

2. About sustainability of GI product – Bell Metal

In the point above mentioned, the information as to the knowledge of GI among producers of Bell Metal is analysed. As we know, the objective of GI law is to provide safeguards for products bearing GI and also protect the interests of the producers. It is important to understand the sustainability of the product because GI are made for culture and traditional heritage intact by ensuring economic inflow. The questions under this point are related to the “efficacy of GI in the sustainability of Bell Metal.”

a. Do you think young generation are interested in manufacturing Bell Metal?

RESPONDENT RESPONSE										RESULTS					PIE CHART
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL			%		<div><div><div>0%</div><div>100%</div></div><div><div>■ Y</div><div>■ N</div></div></div>
N	N	N	N	N	N	N	N	N	N	20	Y	N	Y	N	
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20		0	20	0	100	
N	N	N	N	N	N	N	N	N	N				%	%	

Source: Primary Data

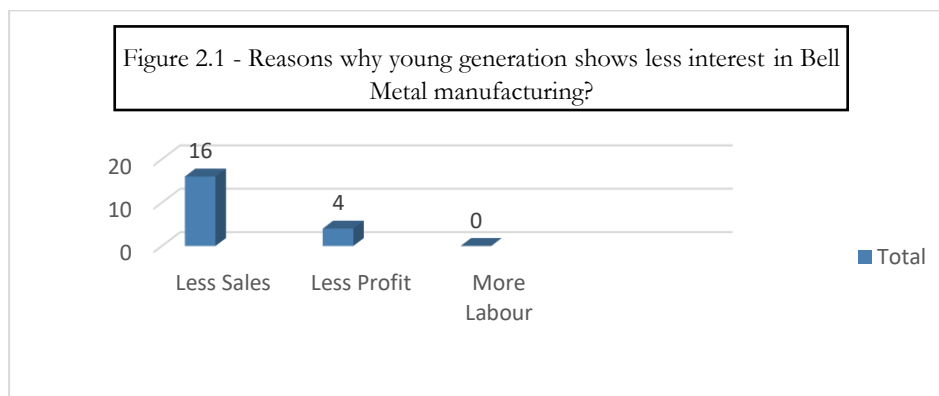
Blue – Yes(Y)

Red – No(N)

The graphical representation (pie chart) above represents the outcome of the question [ii(a)]. The above question was asked to 20 producers of Bell Metal in Tikamgarh town, the answer was distressing, as all the 20 respondents admit that young generation are not interested in this art or ancestral work. This shows that 100% of respondents agree that the young generation is not

attracted to or interested in Bell Metal manufacturing.

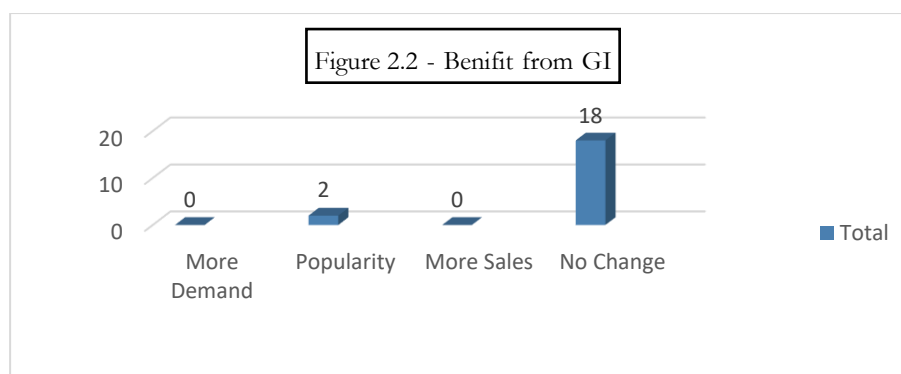
The opinion of producers as regards the reasons behind the young generation not showing interest is shown in Fig. 2.1. From the information provided by producers, the majority agree on “less sales”.



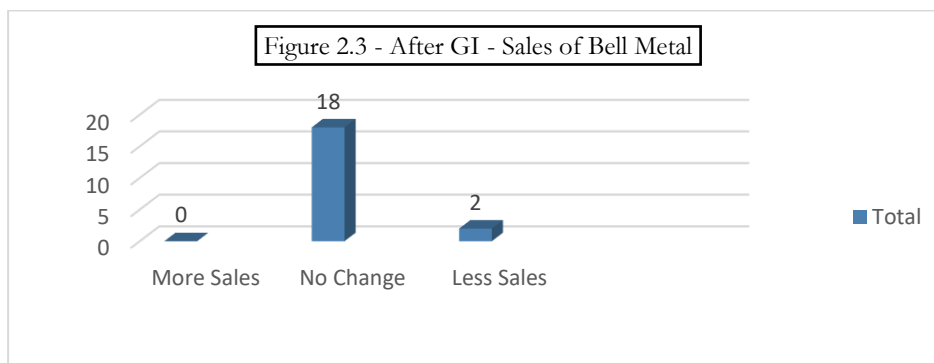
Source: Primary Data

b. What are the benefits you experience from getting GI on Bell Metal? What is the impact of GI on sales?

The opinion of producers of bell metal as to the benefits of GI and the impact of GI on sales is shown in Fig. 2.2 and Fig. 2.3, respectively. Fig. 2.2 indicates that in Bell Metal of Tikamgarh town, near about 90% of the respondents opined that GI has made no change in Bell Metal craft in any aspect, only 10% of the respondents, states that bell metal got popularity because of GI.




Source: Primary Data



Source: Primary Data

From Fig. 2.3 it becomes crystal clear that GI has made no change in GI even in sales of bell metal of Tikamgarh. Around 90% states that there is no change in the sales, whereas 10% of respondents answered that there are less sales of bell metal.

c. Do you export Bell Metal to other countries directly?

RESPONDENT RESPONSE										RESULTS					PIE CHART
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL		%			
N	N	N	N	N	N	N	N	N	N	20	Y	N	Y		N
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20		0	20	0		100
N	N	N	N	N	N	N	N	N	N				%		%

Source: Primary Data

Blue – Yes(Y)

Red – No(N)

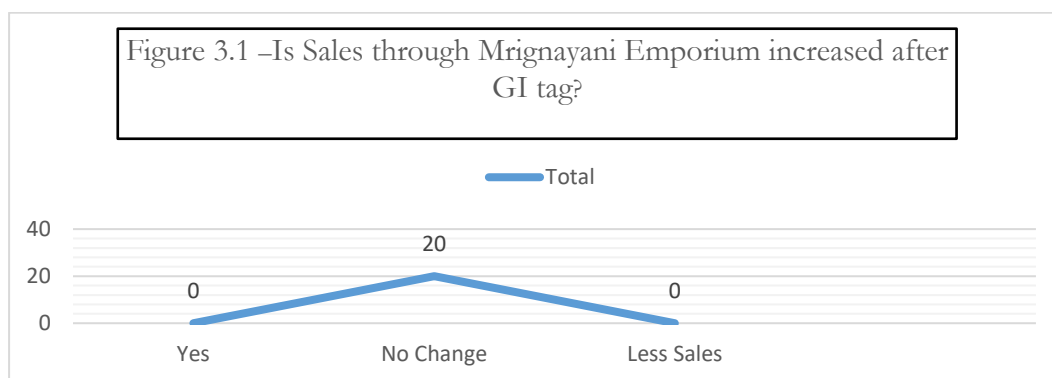
The graphical representation (pie chart) above represents the outcome of the question [ii(c)]. The above question was asked to 20 producers of Bell Metal in Tikamgarh town; the answer was overwhelming, as all the 20 respondents do not export Bell Metal directly. This shows 100% of the producers of bell metal have no direct access to export facilities.

3. Socio-economic endeavor by government for GI product

a. In what aspect government is making efforts to encourage GI Product (Bell Metal)?

Initiatives/Actions by Government	Total Respondent (Yes)	Total Respondents (No)	Result in % (in favour)
Exhibition/Fair	20	0	100%
Marketing	0	20	0%
Sales through Mrignayani Emporium (M.P. Government owned Platform)	20	0	100%

Table 1.1 – Source: Primary Data



Source: Primary Data

The question was asked to the producers (respondents) of bell metal in Tikamgarh town about efforts of the government. We have given certain parameters and asked them to answer in “Yes” or “No.” The results of those parameters are shown in the Table 1.1. Government is making efforts in conducting exhibitions and sales platform like “*Mrignayani Emporium*”. But government is lacking in marketing.

For ascertaining the effectiveness of “*Mrignayani Emporium*” of MP Government as a sales platform, when asked about it, 100% of the respondents answered “no change” in sales over the platform after GI and the result is manifested in Fig. 3.1.

b. Given list of measures, what do you think government must endeavour for bell metal sustainability on these aspects? Gives answer in “Yes or No”.

Measures	Total Respondent (Yes)	Total Respondents (No)	Result in %
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			(in favour)
Lowering the tax	20	0	100%
Lower Commission	20	0	100%
Provide Training facilities	08	02	80%
Direct Export Platform	06	04	60%
Marketing	20	0	100%
Brand Building	20	0	100%
Celebrity Involvement	15	05	75%
Quality Check	10	10	50%
Mitigate Imitation	20	0	100%
Awareness about GI	20	0	100%

Table 1.2 – Source: Primary Data


The producers were given a list of measures that the government should look after; the results of those measures are manifested in Table 1.2. The respondents aptly answered that almost all the measures should be adopted by the government for the sustainability of bell metal of Datia and Tikamgarh.

4. Legal protection for the GI product -bell metal

- a. Do you noticed imitation of Bell Metal which was sold in the name that product was made in Tikamgarh and Datia?

RESPONDENT RESPONSE										RESULTS				PIE CHART	
R	R	R	R	R	R	R	R	R	R	TOTAL		%			
1	2	3	4	5	6	7	8	9	10						
Y	Y	N	N	Y	Y	Y	Y	Y	Y		Y	N	Y		N

c. Is the GI logo for Bell Metal of Datia and Tikamgarh feasible for reproduction on the goods?

RESPONDENT RESPONSE										RESULTS				PIE CHART
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL		%		
N	N	N	N	N	N	N	N	N	N	20	Y	N	Y	N
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20		0	20	0	100
N	N	N	N	N	N	N	N	N	N				%	%

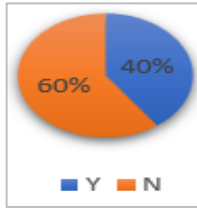
Source: Primary Data

Blue – Yes(Y)

Red – No(N)

The graphical representation (pie chart) above represents the outcome of the question [iv(c)]. The above question was asked to 20 producers of Bell Metal in Tikamgarh town; the answer was disheartening, as all the 20 respondents agreed that the GI logo of Bell Metal ware of Datia and Tikamgarh is not feasible for reproduction on the bell metal. This shows 100% of respondents show indifference towards the GI logo of Bell metal. The GI logo of Bell Metal is shown above in fig. 1.2.

d. Is there any timely visit of government officials in regular intervals to check the condition and rights of producers?

RESPONDENT RESPONSE										RESULTS				PIE CHART
R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	TOTAL		%		
N	Y	Y	N	N	N	N	Y	N	N	20	Y	N	Y	N
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20		08	12	40	60
Y	N	N	N	Y	Y	Y	N	N	Y				%	%

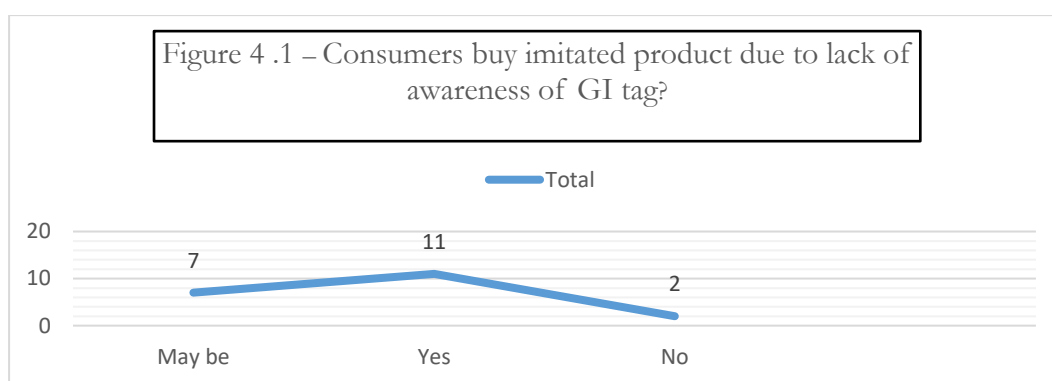
Source: Primary Data

Blue – Yes(Y)

Red – No(N)

The graphical representation (pie chart) above represents the outcome of the question [iv(d)]. The above question was asked to 20 producers of Bell Metal in Tikamgarh town. That 40% of the respondents were of the view that government officials visit them at regular intervals to check their working condition, whereas 60% of the respondents negated the above scenario.

e. Do you think some consumers buy imitated Tikamgarh bell metal due to lack of awareness of GI tag?



Source: Primary Data

Fig. 4.1 presented the opinion of producers taken as sample. The respondents, when asked the above question about consumer awareness on GI-tagged bell metal, then 55% answered “Yes” – which means consumers buy fake imitation of Tikamgarh bell metal due to lack of awareness of GI, around 35% are not sure about the fact, and 10% negate the fact.

From examination the above data the researchers have settled up with some findings as to the problems and challenges faced by the producers of bell metal in Tikamgarh town: -

- Almost all the producers are aware of GI protection on the bell metal but not aware about the legislation under which they get legal protection. All the producers are registered as an ‘authorised user’ but, not vigilant about their rights.
- The producers admits that young generation are not keen to pursue this ancestral heritage that they are driving with passion. Further they state that less sales of the craft leads to less growth and economic sustainability, is the main cause of their indifferent behaviour.

- It is very distressing that the producers do not find any kind of incentives after GI recognition of their product. They pursue their craft from years and answered that they got a recognition but not find it helpful.
- All the producers of Tikamgarh bell metal do not have the facility to export their product directly to other countries. The government must endeavour to encourage the producers to go global rather to take help from other players.
- The producers admits that the government provides facilities of fair or exhibitions to showcase their craft and has a platform owned by government for selling their product. Despite all this, the sales are not increasing due to lack of marketing and awareness.
- Mrignayani Emporium was there before getting GI tag for the product, but the sales that it produces before is still the same after getting GI .
- There are producers in MP and other states who sales cheap imitation of bell metal craft of Tikamgarh and they are selling because of lack of awareness among consumers, also there is no check on the quality of bell metal by the government.
- Most of the producers agrees that government do regular visits but majority of the producers disagree with the fact that they visit for the compliance of their duty not for checking the condition of the producers.

VI. CONCLUSION

The findings of the empirical study on the producers of Bell Metal of Tikamgarh town shows that there are many problems that are existent. These problems are related to the deficiency in the GI Act, and some indifferent behaviour of the government over proper implementation of the Act. The objective of the Act is to provide economic benefits to the producers of GI product, but in this case (bell metal), they are not getting enough output and recognition.

GI is an affiliation of a product or good which is identified by its geographical region from where it is originated and having a reputation among consumers. GIs are recently gaining importance because of sustainable development and protection of traditional knowledge. GI has been protected internationally through TRIPS Agreement. As a result, India protected GIs through sui generis legislation in the year 1999. The main objective of the Act is to secure the rights of the producers and eliminate unauthorised usage. But in bell metal, the Act is not efficient to protect the craft from cheap unauthorised imitations and exclusive economic rights of producers.

The GI Act was made to fulfil the objectives enshrined in the preamble which includes

protection of producers' interest, eliminate unauthorised usage of GI, consumer protection, economic prosperity of producers of GI products. Geographical Indications ("GI") are recently gaining importance because of sustainable development and protection of traditional knowledge. GI has been protected internationally through TRIPS Agreement. As a result, India protected GIs through sui generis legislation in the year 1999. The GI Act has promised various advantages of GI to the local products, producers, local region and consumers, but the data that emerged from the empirical study defines some other story.

That in order to conclude, one needs to state that the GI law has enormous problems that needs to address, and the condition of bell metal producers are not in a good state. There are few measures for the betterment of bell metal sustainability and procurement of rights of producers, which are as follows:

1. Reduction in tax

The government must reduce the tax on the craft. The rate of tax currently prevalent on the bell metal is 35% which is a considerable amount. It increases the cost of the bell metal that makes less affordable to the consumers.

2. Eliminate redundancy in registration

The registration of authorised user of bell metal has repeated names of producers which shows that the officials showcase the glorifying image that the work is running with a greater pace. This should be eliminated.

3. Logo regeneration

The government in the year 2012 made an application for logo for bell metal but again in the year 2015 another logo has been applied. The former one already got registered so the latter got refused. The producers complained to the officials about the non-feasibility of the logo, but the government has not taken any action yet. The government should focus on the practicability and must consult the artisans about logo to curb the sales of cheap imitations.

4. Mitigate Commission rates

The commission in the exhibitions and government sales platform should be reduced. This makes the product less affordable to the consumers and they will attract towards cheaper imitation.

5. Diverge sales margin

In the government outlets for bell metal, their sales margin is very high and they purchase from the producers at the market rates. The government should transfer the funds to the end

producers.

6. Government schemes

There are so many schemes announced by the government but they are not yet started. One of them is Bell Metal Cluster which get funds from government of amount approximately 22 crores. This should be released and be utilised for the betterment of producers and will be helpful for the revival of inactive producers.

7. Involvement of young generation

The government with the help of NGOs organise regular internship programmes for the bell metal so as to keep the craft alive and this will encourage the young generation to be a part of bell metal production.

8. Marketing facilities

There should be proper marketing facilities for bell metal as we see in the Chanderi Saree, Kadak Nath Chicken. The government should take help from the students of schools and colleges which somehow acts as awareness campaign and build a sense of soft power among our future generation. Some marketing strategies are – Folk songs, school visits, vocational camps, etc.

9. Purchasing outlets

There should be purchasing outlets in the airports, tourists' spots, and MP Tourism hotels so that consumers get aware about GI tag, and this will increase the sales of the products.

10. Image Building through influencer involvement

The government must involve the influencers from YouTube, Instagram. Like we see in the case of Chanderi where various movies are picturised like “Stree-2”, “Sui Dhaga”, etc. This helps in the free marketing of bell metal with less investment on advertisement and image building.

11. Regular checking mechanism⁴¹

There should be regular checking mechanism for the bell metal. It is very important for the government to frame a policy or rules for post-GI regular checking mechanism. The live example of repercussions of this void is “Tirupati Laddu”.

⁴¹ Gautami Govindrajan & Madhav Kapoor, *Why the Protection of Geographical Indications in India needs an Overhaul*, 8(1), NLIU LAW REVIEW, 22, 42-48, (2018).

12. Awareness

The government must disperse awareness of GI protection among producers and consumers. This will help in to support our incredible heritage craft and also to keep them alive.
