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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

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KUMARTULI CLAY IDOLS: A CASE OF ABSENT G.I. TAG

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ABSTRACT

Kumartuli (Potter's Colony), those who have visited might say, it is almost magical, you step into those Kolkata alleys, there's clay dust swirling and figures half-formed, murmured histories in every crack. Oddly enough, though the world comes looking for these idols every Durga Pujo, the question lingers that why does the place, with all its heritage, not carry a GI tag? Geographical Indications should, ideally, protect traditions so tangled in their origins—and Kumartuli has them, right? The hereditary know-how, those enigmatic hands passed down generations, plus “nishiddho pallir maati” (that curious bit the soil borrowed from places the law barely sees a unique way our ancestors found thought) and Parbatipur jute spun into goddess hair (the best-case example of secularism at its peak). Is that not sufficient enough to grant recognition under G.I.? Yet sometimes the age-old traditions just slip through the cracks of the law. The Geographical Indications of Goods (Registration and Protection) Act, 1999 was made specifically for cases like this: uniqueness, specific origin, antiquity. But bureaucratic red tape swells up with producer associations, paperwork, vague definitions making it consistently difficult to register and grant to such knowledge. The fact that the producers are not aware of the legislative safeguards put in place for them and the lack of awareness initiatives to address the gaps further weakens the legislative purpose. Another doubt that creeps up apart from the promised economic security and fake copies are how effective the law will be in protecting rather than just granting registration. The 1999 Act provides for the avenue of an organization or authority established by or under the authority to apply for registration to protect the interests of the producers, which the legislature in consultation with the executive can set up in order to ensure the suo moto registration of such traditional knowledge. So, as innumerable Durga pujas approach and cheap imitations keep cropping up, there is a muchneeded change not only to safeguard but to recognize the pieces of our heritage. Maybe,

if artists, officials, and others decide together, the right legal protection could happen but this paper will approach the issues only from the perspective of the Kumartuli Clay Idols.

Keywords: *Kumartuli, clay idols, traditional knowledge, Durga idols, geographical indications*

I. Introduction

From the month of July, entering into the narrow lanes of Kumartuli (colloquially called Kumortoli), one can feel the essence of what Durga Puja is all about. For Bengalis and people who call West Bengal their home, Durga Puja is an emotion, and Kumartuli is at the heart of it all. The murtis (idols) of Maa (Goddess Durga) and her 4 children (Kartikeya, Ganesha, Lakshmi and Saraswati), which grace the pandals (a form of marquee based on innovative and unique concepts), are given life at those narrow lanes. A Durga puja in West Bengal is incomplete, and so in other parts of the world, as demonstrated by the yearly orders received from the U.S., U.K., Canada, Australia, Germany, France, Poland, Italy and Japan.

The nature of Kumartuli Clay Idols can be inferred, but to find such a unique tradition with the scale and significance of making religious clay idols with almost 300 years of antiquity is nearly impossible in the world, let alone in India. A geographical indication registration recognising the specific origin and reputation of the handicraft should be granted.

In India, traditional knowledge relating to products is enforced through Geographical Indication (G.I.) registration. G.I. helps in protecting the reputation associated with the product and receives suitable payment. The G.I. products are safeguarded from misrepresentation so that the original products can reach the hands of the consumers.

Research Statement: The Kumartuli clay idols, with their unique characteristics and deep-rooted connection to the geographical location, present a compelling case for the grant of a GI tag under the Geographical Indications of Goods (Registration and Protection) Act, 1999.

II. The Legacy of Kumartuli: History and Antiquity

Historical Origins

In the 17th Century, potters from Krishnanagar (a small city located in the Nadia district of West Bengal) moved to Gobindapore in search of better livelihoods. Gobindapore village was located on the banks of the Bhagirathi River (now the Hooghly). Initially, they made pots, clay toys and cooking utensils for household use. After the Battle of Plassey in 1757, the East India Company decided to build Fort William at Gobindapur, leading the residents to migrate to Sutanuti. The settlers established a new area called Kumortuli, meaning potter's quarters. The Kumbhakar community represent the potter class of West Bengal and the neighbouring states of Bihar and Odisha. The Pals, a branch of the Kumbhakar community originating from Nadia, Krishnanagar, spread across Bengal. From rural and semi-rural areas, they settled in Kumortuli near Shobhabazar in North Kolkata. The clay modelling tradition in Kolkata dates back to the 17th Century, but since the 1950s, Kumortuli artisans have mainly focused on making Hindu idols. These artisans began making idols of the goddess Durga at the demand of Zamindars and the wealthy who resided in Jorasanko (near Sutanuti). The first recorded Durga Puja in Calcutta was held in 1610 by Zamindar Sabarna Roy Choudhury at his ancestral home in Barisha.¹

Cultural Significance

Durga Puja has been celebrated for centuries, altogether with the core concept revolving around idol worship. The presence of an idol is quintessential in celebrating the ten-day religious ceremony where Bengalis believe that Durga Maa has returned to her parental home with her 4 children for ten days. The idols represent the presence of the goddess in their homes as they treat her like a daughter who has come to her home after a long time. This traditional practice of ek-chali durga puja (worshipping the goddess along with her children) has been passed down by Bengali ancestors from around 1610, courtesy of Laxmikanta Majumdar (founder of the Sabarna Roy Chowdhury family)².

The craft does not only enjoy a religious significance but also has a significant historical significance. The importance of Hindu goddesses gained increasing significance after the invasion

¹ Chaitali Sinha, et.al., "The Industry of Idol-Making in Kolkata: A Survey in the Light of UNESCO Recognition" 4 *Journal of Indian & Asian Studies* 2350002 (2023).

² TNN, "Kolkata's oldest Durga Puja has a Mughal connection" *The Times of India*, Oct. 2, 2022.

by Islamic armies. The Bengali Hindus overtly celebrated the festival, worshipping her as the goddess of war. The zamindars persisted in protecting the practice of Durga puja, evolving from worshipping her for military exploits to wealth and abundance (due to the sultanate-dominated world). The Hindu reformist during the freedom struggle identified Goddess Durga with the nation. Durga Puja rose to prominence during that time. The craft holds a far greater cultural significance than just idol worship.

III. The "Uniqueness" of Kumartuli Idols

Materials and tools

- Maati: Bele maati (crisp clay) from the Hooghly River and western Kumortuli Border, Etel maati (sticky clay) from Uluberia Village and Diamond Harbour³, cow dung, cow urine and nishiddho pallir maati.
- Tush: Rice husk to be mixed with etel maati.
- Hay: Mixed with clay to give fine details in the idols.
- Sticks, Ropes and Straws: Wood, bamboo, pins, ropes and straws to make the kathamo.
- Plank of wood: To spread the clay idol parts.
- Jute: Fibres mixed in clay and Parbatipur jute hair.
- Nails: To fix clothing wherever required.
- Maida paste: All-purpose flour mixed with tetul seeds (tamarind seeds) to stick the hair and gold foil on the idol.
- Colours: Powder colour with turpentine oil and khai bichi (tamarind seed glue)⁴.
- Moulds: To save time in making the face, palms and fingers.

The Artisanal Process

First Stage

The wood and bamboo are cut and joined with ropes and pins to make the kathamo (bamboo and wooden frame), which serves as the base for the idol. Before the sculpting is done, the kathamo is

³ S. Ghosal, et.al., "Geochemical analysis of khari (kaolinite) used in idol-making in Kumortuli (Kolkata, West Bengal)" 66 *Archaeometry* 1307 (2024).

⁴ Dipanwita Chakraborty, "Kumartuli – Where Man Is The Maker Of Gods" available at: <https://dipanwita.com/kumartuli-where-man-is-the-maker-of-gods/> (last visited on Feb. 27, 2026).

worshipped along with some rituals. The straw is then used to give shape to the basic structure of the idol.

Second Stage

The kumors (craftsmen or idol crafters) apply mud onto the straw framework of the idol. The mud is a blend of clay and water. The craftsmen stomp upon the mixture with their feet to remove impurities. Etel maati is combined with tush, applied to the straw structure and left to dry for three to four days.

Next, bele maati is layered over the dried etel maati and left to dry for five to six days. Any visible cracks on the dried idol are fixed with cotton cloth and mud.

Third Stage

Once the idol's body is ready, the face, palms and fingers, which are made separately using the moulds attached. This is done due to the high demand, which saves a considerable amount of time. The face, made from bele maati, is polished with sandpaper for a smooth finish. The idols are then painted using the paint prepared by the kumors. Firstly, a base layer of white paint is done, followed by skin tones and vibrant colours. The idols are then draped in a saree or dhoti, then the Parbatipur jute hair is attached, and finally, traditional decorations, daaker saaj (décor using silver foil) and sholar saaj (decor using Indian cork) are done.⁵

Chokkhu Daan (drawing of the eyes) is an exception, done on the day of Mahalaya to symbolise bringing the goddess to life.

The Significance of "Nishiddho Pallir Maati" or "Punya Maati"

This custom began in the 19th Century and has been followed for 100-150 years⁶. The Nishiddho Pallir Maati (literally translates to forbidden neighbourhood's soil) or punya maati (literally translates to sacred soil).

⁵ Meadhini Sasi, "Kumartuli" available at: https://hindustanuniv.ac.in/assets/naac/CA/1_3_4/3390_MEADHINI_SASI.pdf (last visited on Feb. 27, 2026). See also Sahapedia, "Kolkata's Potters' Colony: Kumortuli" available at: <http://www.sahapedia.org/kolkatas-potters-colony-kumortuli> (last visited on Feb. 27, 2026).

⁶ Aditi Priya Singh, "Why Is Soil From Brothels Used To Make Goddess Durga Idols? Know The Spiritual Significance Behind This" *The Daily Jagran*, Sep. 21, 2025.

The priests are required to respectfully request the maati and chant a specific mantra during the exchange. The soil is to be received as a blessing from the prostitutes. The soil is held to be sacred because it is believed that when a man visits the brothel, he leaves his virtues at the door. The soil there is thus considered to be pure and holy. There are other interpretations which hold that goddess Durga is like the ever-accepting mother who does not discriminate against anyone, regardless of their status or profession.

The Role of "Parbatipur Jute Hair"

Secularism at its best, a community of 60-70 Muslim craftsmen families in collaboration with the minority Hindu population in Parbatipur craft artificial jute hair from jute for the Kumortuli idols. 30,000 idols at Kumortuli are all adorned with hair made by this group of artisans. This community came together to address the issue of access to jute from East Bengal after partition. What first began as a supply for jute, colour and oil to Kumortuli from Parbatipur converted to the community becoming the supply chain due to non-feasibility. This started 60 years back due to one Ekh lakh chacha, who convinced the community to come together. The raw jute is dyed, detangled and dried by hand⁷.

Artistic Style and Aesthetics

Mahisasura, the male demon, is crafted in the likeness of Greek Gods. The kumors lacked visual references from mythological texts and religious scriptures as they were not from the 'upper caste.' However, they had observed sculptures on European buildings in White Town, the British-occupied area of Kolkata. While Goddess Durga and her children were shaped in traditional Bengali style with customary attire and Indian features, Mahisasura donned a Greek look.⁸ Another visual aspect is the use of 'sholapith' or Indian cork for the purpose of decoration and ornamentation. The Indian cork resembles the look of white jade due to its appearance, and the intricate details put forth by the craftsmen in carving and detailing it are exquisite.

⁷ Times News Network, "In Parbatipur, Muslims & Hindus Craft Durga's Crowning Glory" *The Times of India*, Oct. 4, 2023. See also Sahapedia, "Parbatipur Village: Tress-makers of Gods and Goddesses" available at: <http://www.sahapedia.org/parbatipur-village-tress-makers-gods-and-goddesses> (last visited on Feb. 27, 2026).

⁸ Dipanjan Chakraborty, "Kumortuli - Godmakers at Work" *DIPANJANPHOTOSTORIES*, Oct. 6, 2024, available at <https://www.dipanjanphotostories.com/post/kumortuli-godmakers-at-work> (last visited on Feb. 27, 2026).

The idols are a testament to the sustainable development goals. They are eco-friendly as they are made to be submerged in the water (as a symbol of the Goddess's departure from her mother's home).

IV. The Legal Framework for Geographical Indications in India

The Geographical Indications of Goods (Registration and Protection) Act, 1999

The Act was brought forth with the objective of registering and protecting goods with geographical indication in India. This statute helps in protecting and preserving the goods and their standard of quality attributable to a specific region. In the absence of any law to protect traditional knowledge, goods made using such traditional know-how are given protection to some extent.

Definition of G.I. under Section 2(e) *“in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as 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 goods 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”*⁹.

The definition is inclusive as it recognises and protects agricultural, natural and manufactured goods of a certain standard, repute or feature occurring or being made in a particular location. This helps in recognising the rights of the authorised users and also maintains its reputation among the consumers.

The criteria for registration of a good as a geographical indication are as follows:

- It should be in relation to goods.
- It can be an agricultural, natural or manufactured good.
- It should have a quality, reputation or other characteristic which is specifically attributable to the geographical origin or place of manufacture (any of the activities of production, processing or preparation), depending on the type of good.

⁹ The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 2(1)(e).

It cannot be a registered geographical indication if :

- Its use is likely to mislead or create confusion; or
- Its use is against any current law in force; or
- Includes scandalous or obscene content; or
- Includes content likely to offend the religious feelings of any group or section of Indian citizens; or
- Is not entitled to protection in a court of law; or
- Is identified as a generic name or indication of goods and thus not or no longer protected in its country of origin, or has fallen out of use there; or
- Though factually correct about the place of origin, it falsely suggests to others that the goods come from a different place.¹⁰

The Registration Process

1. Form and Signing of Application

Each application for registration has to be submitted in the prescribed form (GI- GI-1A to 1D) with a prescribed fee of ₹ 5,000. It has to be signed by the applicant or his/her agent and filed in triplicate with 3 copies of the Statement of case and 5 additional representations.

2. Fees

The fees can be paid in cash, by money order, bank draft or cheque. Bank drafts and cheques have to be crossed and made payable to the Registrar of the appropriate Geographical Indication Registry Office. They must be drawn by a scheduled bank with the same location as the Registry Office. Documents filed without a fee or insufficient fee shall be deemed not filed.

3. Size

The applications have to be typewritten, lithographed or printed in English or Hindi and should be large, readable characters with deep, permanent ink on strong paper on one side. The size is about 33 centimetres by 20 centimetres with a left margin not less than 4 centimetres.

4. Signature

In the case of:

¹⁰ The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 9.

- An association of persons or producers, the authorised signatory should sign.
- A corporate body or organisation or authority established by or under any legislation to be signed by the Chief Executive or the Managing Director or the Secretary, or other Principal Officer.
- A partnership, then any one of the partners should sign.

The capacity in which one signs has to be stated below his/her signature and has to be accompanied by their name in capital letters (English or Hindi).

5. *Principal place of business and statement of user*

The application should state the principal place of business as India and consist of a statement of the user, along with an affidavit.

6. *Contents of application*

- A statement explaining how the geographical indication identifies the goods as originating from the concerned territory based on specific quality, reputation or other features.
- Three certified copies of the class of goods.
- The map of the territory.
- Details of the appearance of the goods, whether word, figurative or both.
- A statement with details of the producers, including a collective reference to all producers of goods covered by the application.
- To also include-
 - An affidavit showing how the applicant claims to represent the interests of the association of persons, organisation or authority established under any law.
 - Standard or benchmark for the use of the geographical indication or the industry standard concerning the production, exploitation, making or manufacture of the goods having specific quality, reputation or other characteristics essentially linked to their geographical origin, along with a detailed description of human creativity involved, if any or additional characteristics.
 - Details of the procedure ensuring the standards, quality, integrity, consistency or other special characteristics are maintained by the producers or manufacturers of the goods.
 - Three certified copies of the map of the territory, region or locality.

- Details of the special human skill, the uniqueness of the geographical environment or inherent characteristics associated with the goods.
- The full name and address of the association of persons, organisation or authority representing the producers of the goods.
- Details of the inspection structure.
- Wherein homonymous indication is concerned, the distinguishing material factors and details of the protective measures adopted are provided.¹¹

V. The Case for a GI Tag for Kumartuli Clay Idols

Meeting the GI Criteria

Kumartuli idols are perceived as a brand, with the celebration being a popular way of judging one's wealth and power in Bengal.¹² The idols are exported to major countries worldwide and enjoy a great reputation. The origin of the idols from Kumartuli is what garners the demand for the idols, which could have been locally made or imported from elsewhere. The attention to detail and the painstaking efforts of the kumars in attaining the divine form of the idol are what make the craft sui generis. The idols are eco-friendly compared to the contemporary practice of making idols using non-biodegradable materials and harmful chemicals. The specific three-stage process in making the idol and decorating it sets it apart from its counterparts in other regions. The locally sourced materials and their unique concepts not only make it a work of art but also a part of history and culture. The local resources form an integral part in establishing a connection between the craft and Bengal.

Socio-Economic Benefits of GI Tagging

Economic Empowerment

A completed idol of Durga with her four children and Mahisasura costs about ₹75,000 to ₹1,00,000 and can rise up to ₹1.5 lakh, while many organisers ask for the price to be kept between the range

¹¹ Intellectual Property India, "Procedure for filing GI application" available at: https://ipindia.gov.in/writereaddata/Portal/IPOGuidelinesManuals/1_41_1_procedure-for-filing-gi-application.pdf (last visited Oct. 31, 2025).

¹² Debapriya Chakrabarti, *The Practice of Idol-Making in Kumartuli: Cultural Heritage, Spatial Transformation and Neoliberal Governance in Kolkata* (2020) (Unpublished Ph.D. thesis, University of Manchester).

of ₹50,000 to ₹60,000¹³. The registration grants the authorised users the right to prevent infringement and recover damages. This ensures the exclusive rights of the authorised users and gives them an avenue to seek relief in case of infringement. The authorised users can charge prices suitable to match the standard of the goods. Since the goods are protected from infringement, third parties cannot benefit from the reputation that the particular good possesses. Cheap duplicates cannot be circulated in the market, which can not only cause financial losses but also tarnish the reputation as to its quality. As the main source of livelihood for these kumors is idol-making, their financial stability would preserve the lineage of idol-making. This will greatly deal with the problems affecting the kumors, financial insecurity, lack of recognition, the inflated cost of producing idols, space scarcity in studios and environmental concerns arising out of poor living spaces. The kumors will have the finances to buy raw materials, which will ensure the quality associated with the idols.

The additional benefit that accrues on account of this registration is job security. This is due to the recognition that the craft gains along with the standardised pricing. The skills and inherent attributes are given cognisance.

Preservation of Traditional Knowledge

The practice of idol-making in Kumortuli, as substantiated by evidence, has been ongoing for 300 years and has been an inherited craft. The traditional knowledge of our ancestors has been passed down from generation without fail. But the current scenario is such that the inheritance of the craft has dwindled due to rapid urbanisation. The growth enjoyed by other emerging sectors, poor pay, lack of recognition, and arduous work conditions have deterred the next generation. Further, the kumors themselves about 66% of them want their children to choose another profession¹⁴. The recognition granted as a result of the G.I. tag will ensure that the deserved credit is given to the kumors who are recognised as producers, while they can charge standardised amounts and secure good pay. The legislative backing will encourage and motivate the kumors in preserving and pursuing this craft, which has persisted through centuries.

¹³ *Supra* note 1.

¹⁴ *Supra* note 1.

Recognition will aid the craftsmen in sourcing clay easily without local opposition, which is currently an issue due to the change in the river course.

Addressing Potential Challenges

The major drawback of G.I. registration is the process involved; the application itself is so complex and requires multiple procedural compliances, failing which the applications can be easily rejected. As the producers, especially in the case of traditional knowledge, are from the grassroots level and lack sufficient awareness, accurately complying with such requirements is not feasible. The registration process can be modified, taking into account the opinions of the people at ground level. Further procedural aspects can be reduced with the burden being shifted to the Registry Office to conduct site inspections in order to note the particulars required for the grant of registration.

The main issue for the lack of G.I. application is the lack of awareness, which can be countered through Government awareness camps. The Registry Office can foster initiatives to conduct surveys in various regions to grant the required protection to such traditional knowledge.

The application requires a statement with details of the producers, including a collective reference to all producers of goods covered by the application, which is not feasible in the context of crafts like that of Kumortuli, which has numerous craftsmen working in the production process. The application should allow for exceptions in circumstances similar to those in Kumortuli.

The 1999 Act provides for authority established by or under any law to file an application on behalf of the producers, which should be utilised by the Government to set up a body that suo moto takes cognisance of such traditional practices. This is especially important as the craftsmen involved are unaware of the legal provisions in place to ensure their protection. These authorities can also provide technical and financial assistance to the producers in filing for registration.

VI. Conclusion

The Kumartuli clay idols, which not only date back nearly 300 years and are intrinsically linked to the heart of Durga puja festivities, but also inarguably stand for a vital and quite singular cultural tradition, constitute the main subject of this case study. One of the main points advanced in this

study is that the craft's distinctiveness can be singled out in the particular three-stage artisanal process, the employment of traditionally locally sourced materials and its inimitable aesthetics. The present legal setup, the Geographical Indications of Goods (Registration and Protection) Act, 1999, is meant specifically for the protection of these types of traditional knowledge.

Socioeconomic benefits, such as the economic empowerment of the kumors and the safeguarding of their ancestral craft, would come along with a G.I. tag.

Such an investigation leads to the conclusion that the research statement is still valid: The Kumartuli clay idols, with their unique characteristics and deep-rooted connection to the geographical location, present a compelling case for the grant of a GI tag under the Geographical Indications of Goods (Registration and Protection) Act, 1999.

Obtaining this registration is of utmost importance in terms of the protection of this unique cultural heritage. With the law providing the near-perfect means, the maker lineage of the idols can be protected against issues brought about by financial insecurity and the dwindling interest of the next generation.

However, the registration journey is not without its stumbling blocks, chief among which are the complicated nature of the process and artisans' lack of awareness; notwithstanding, it is still possible to prevail over these hurdles. It follows, therefore, that the concerted effort of artisans, government and statutory authorities is required without delay in order to not only forge ahead with the application process but also eventually obtain the G.I. tag that Kumartuli clay idols are entitled to.