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CROWNING TRADITIONS: A LEGAL AND CULTURAL STUDY AS THE TOPOR AND MUKUT OF BENGAL AS TRADITIONAL CULTURAL EXPRESSIONS UNDER INTELLECTUAL PROPERTY LAW

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Abstract

The traditional ceremonial crown of the Bengali groom and bride, *Topor and Mukut*, stand as ageless emblem of Bengal's rich traditional culture and sacred traditions. Artfully designed from *sholapith* by the indigenous *Malakar* community, these artifacts cover under its wings the craftsmanship, ritual and collective memory of Bengali traditions. In this paper I will examine the Topor and Mukut through the perspective of Traditional Cultural Expressions within the Indian Intellectual Property framework. Although their antiquity traces back to medieval Bengali literature, Vaishnavite art, and the ceremonial symbolism of divine unions such as *Vishnu and Maa Lakshmi* and *Shiv Parvati*, they are not legally recognized which underscores a deeper gap between continuity of traditions and legal protection. These paper places these artifacts within the larger conversation on cultural heritage law, showing how the Topor and Mukut embody what the **WIPO Model Law (2006)** defines as Traditional Cultural Expressions, that is, creation that are shared, nurtured and passed down within a community, carrying deep meanings of identity, continuity and ritual significance. In spite of their historical continuity and cultural essence, these artifacts lack legal recognition under India's existing IP statutes such as **Geographical Indications of Goods (Registration and Protection) Act 1999**, and the **Copyright Act, 1957**. Cultural appropriation, industrial imitation, and the economic marginalization of custodians of craft traditions are the outcomes of the lack of a specific TCE framework. This paper further highlights the urgent need for **sui generis protection** of cultural artifacts like Topor and Mukut by combining historical inquiry with legal analysis, it represent Bengal's intangible heritage. Alongside the indigenous community rights mechanisms that ensure moral attribution, authenticity, and sustainable preservation, it also proposes extending the existing Krishnagar Sholapith GI to cover these ritual crafts. In order to preserve Bengal's living customs for upcoming generations, it thus urges the coverage of intellectual property law and cultural ethics.

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Keywords: Topor, Mukut, Sholapith, Malakar, Traditional cultural expression

1. Introduction

1.1 Foundational Concept of Traditional Cultural Expressions

Traditional Cultural Expressions (TCEs) also known as “expressions of folklore” in global discourse that incorporate the artistic and literary forms through which communities pass on cultural identity across the generations². The World Intellectual Property Organization (WIPO) defines TCEs as artistic or literary expressions that are tangible or intangible in nature which includes verbal expressions, musical expressions, expression by actions, along with tangible expressions that covers the expression of the knowledge based creative work of indigenous and traditional communities³. These expressions maintain the unique cultural importance and continue to develop, recreate and transfer within the communities in such manner that are reflective of their cultural and social identity.

The definitional scope of TCEs stretches over multiple domains such as

- Performances (dance forms, theatrical traditions),
- Music (folk songs, instrumental compositions),
- Literary works (folktales, poetry riddles),
- Visual arts (paintings, sculptures, textile designs), and
- Craft Traditions.

Majorly, TCEs are differentiated by their collective authorship which means the author cannot only be identified as an individual but rather represents the aggregated creative expression of a community that has been passed over centuries. This collective nature distinctively separate TCEs from typical intellectual property categories based on individual authorship and novelty.

1.2 Contextual Positioning of the Topor and Mukut

The Topor and Mukut of Bengal represent the classical expressions of folklore justifying protection as TCEs. The Topor represents a conical white traditional head adornment worn by the groom during customary Bengali Hindu wedding ceremonies while the Mukut serves as cultural head attire adorned by the bride. Both Topor and Mukut are precisely handcrafted from Sholapith which is a lightweight aquatic plant material particularly from Bengal’s waterlogged

² World Intellectual Property Organization, The Protection of Traditional Cultural Expressions: Revised Objectives and Principles, WIPO Doc. WIPO/GRTKF/IC/7/3 (2004), <https://www.wipo.int/> (last visited Nov. 8, 2025)

³ World Intellectual Property Organization, Traditional Cultural Expressions, WIPO, <https://www.wipo.int/tk/en/folklore/> (last visited Nov. 8, 2025)

regions⁴. This creation represents not only the production of material objects but the demonstration of centuries old artistic practices, spiritual beliefs, mythological narratives and social rituals native to Bengali cultural identity.

The Topor and Mukut showcase the connection between tangible craft production and intangible cultural knowledge. As TCEs, they safeguard and express the followings:

- a) Traditional knowledge regarding material selection, processing, and artistic techniques;
- b) Collective authorship that is rooted in the hereditary Malakar community;
- c) Cultural and spiritual significance within Bengali Matrimonial rituals;
- d) Intergenerational Transmission through customary practices; and
- e) Threat of commercial exploitation and unauthorized replication.

2. Historical Evidence and Antiquity of the Craft

2.1 Mythological Origins and Legendary Foundations

The traditions surrounding the Topor and Mukut are closely connected to Hindu Mythology which establish cultural continuity that spanned for more than a thousand years. According to Bengali folklore, the origin of the tradition of Topor originates from Lord Shiva's wedding ceremony. The narrative describes that Lord Shiva commissioned Vishwakarma who is the celestial architect and Hindu Deity of craftsmanship for the specially crafted crown for this sacred creation. However, Vishwakarma who is skilled exclusively in metalwork proved that he was unable to produce the desired crown wear from culturally tradition embedded materials. Lord Shiva to overcome this impasse created a young craftsman from his own sacred essence by plucking a lock of his hair and casting it into an ethereal pond from which a youthful artisan emerged. This divine craftsman then proceeded to craft a white crown, garlands and ornamental embellishment from Shola which is a specially prized reed. After completion of the craftsmanship, that divine craftsman received the name "Malakar" that means 'maker of the garland', a terminology retained by cotemporary artisans who continue this ancestral craft tradition. The mythological description establishes that the Topor is not only a secular accessory but also a sacred expression emerging from divine order thereby granting spiritual legitimacy upon both the object and the practitioners.

This mythological background shows that Topor and Mukut are believed to be inspired by the divine rather than just products of human creation which makes them a powerful symbol of

⁴ Sholapith Art: Artist Karen Malaker Making Effort to Save Divine Crafts, YouTube (Jan. 22, 2023), <https://www.youtube.com/> (last visited Nov. 8, 2025)

spiritual and cultural identity that is far more than simple decorative ornament.

2.2 Historical Documentation and Antiquity

Although the exact chronological origin of the Topor and Mukut craft cannot be ascertained clearly with specific dates, historical evidence advocates that Sholapith craftsmanship holds considerable antiquity in Bengal⁵. The Jagannath Temple in Odisha which was built by the Eastern Ghat dynasty who ruled Eastern India from the 5th to the 15th centuries CE, represents an early established record of the utilization of the Sholapith. According to historical documentation, the craftsmanship of sholapith was employed at as early as 11th century CE for decorating temple idols and creating sacred decorations within the complex of Jagannath Temple. This structured patronage and utilization of shola craft by religious institutions demonstrates that the sholapith as a material for creating objects of religious and traditional relevance has cultural significance and antiquity.

Specifically within Bengal the tradition of craft received significant motivation and transformation during the colonial period. Sholapith emerged as rational and refined substitute for ivory which was banned, that eventually enabled artisans to maintain their traditional craft practices along with adapting new challenge aroused due to scarcity of materials.

Migrational history further demonstrates the spread of sholapith geographically over time. Before first partition of Bengal in 1905 many Shola artisans moved from Chittagong (now in Bangladesh) to Bankapasi in West Bengal and thus set up as the main producers of decorative shoal items. At the present time master craftsmen like Ramapada Neogi and Koushik Neogi from Uluberia, Howrah continue to make traditional wedding items including Topor and Mukuts. These practitioners carry forward the techniques that have been passed down through generations by using hand tools like the specialized 'Kath' knife⁶. Their work validates that shoal craft traditions are still alive and diligently preserved.

2.3 Temporal Continuity and Living Tradition Status

The Topor and Mukut meet the temporal continuity requirement for classification as TCEs established. These expressions aren't just old artifacts that are preserved in museum but living traditions, consciously practiced, continuously recreated and passed down through generations in today's society.

⁵ D'source, Shola Pith Topor – Kolkata: Introduction, <https://www.dsourc.in/resource/shola-pith-topor-kolkata/introduction> (last visited Nov. 8, 2025).

⁶ Making of Shola Craft, YouTube (Aug. 10, 2020), <https://www.youtube.com/> (last visited Nov. 8, 2025)

This living tradition status is important for TCE classification. The tradition has survived through modernization, urbanization and western influence that highlight its deep cultural importance in Bengali identity.

3. Characteristics that qualify Topor and Mukut as Traditional Cultural Expressions

3.1 Collective Authorship and Community Ownership

The Topor and Mukut symbolize the collective authorship standard crucial for TCE classification. No one can point to the creator of any individual Topor and Mukut but each piece represents epitome of collective creativity rather than the work of a one of a kind genius. The concept of collective authorship highlights a vital distinction between TCEs and traditional intellectual property frameworks⁷. The cultural and artistic relevance of a community's shared practices are not assignable to specific creators but are the result of centuries of mutual enhancement by the Malakar community.

The rights to produce, sell and regulate the Topor and Mukut are jointly exercised within the community that reflects the community centered ownership which further characterizes the authenticity of TCEs. This approach to ownership is progressively recognized in International policy discussions that include drafts such as WIPO frameworks, which further acknowledge collective rights as the most suitable form of protection for the TCEs⁸.

3.2 Distinctive Cultural and Social Identity Markers

- i. **Spiritual and Auspicious Significance:** According to Bengali Tradition the Topor brings good luck, divine predictions and protection of holiness and auspiciousness to the groom. Further the Mukut complements the bride's traditional red or maroon Benarasi saree that creates symbolic balance between purity that is white and passion that is red within the Bengali connotation. The head pieces function as sacred objects that invoke heavenly blessings rather than secular accessories.
- ii. **Expression related to Gender and Social Role:** Masculine dignity and honored status is represented by the Topor while feminine grace and divinity is expressed by the Mukut.

⁷ World Intellectual Property Organization, Intellectual Property and Traditional Cultural Expressions/Expressions of Folklore: Legal and Policy Options, WIPO Doc. WIPO/GRTKF/IC/6/3 (2004), https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_6/wipo_grtkf_ic_6_3.pdf (last visited Nov. 8, 2025)

⁸ World Intellectual Property Organization, The Protection of Traditional Cultural Expressions: Draft Articles, WIPO Intergovernmental Comm. on Intell. Prop. & Genetic Res., Traditional Knowledge & Folklore (IGC), [https://www.wipo.int/ \(consolidated draft resources\)](https://www.wipo.int/ (consolidated draft resources)) (last visited Nov. 8, 2025)

Together they denote marriage as a union of equal partners who deserve mutual honor and respect which is a powerful social statement encoded within material objects. The matching crowns signify that marriage operates through principles of equality and respect for each other instead of hierarchy.

- iii. **Artistic Expression of Community Identity:** The manually crafted nature of Topors and Mukuts where each piece is individually and completed by skilled artisans ensures that no two crowns are identical. This individuality within tradition allows each couple to retain distinctive objects while maintaining connection to inherited cultural practices.

These diverse functions establish that the Topor and Mukut comprise of expressions that are uniquely associated with and specific to Bengali culture and social identity.

3.3 Exposure to Commercial Exploitation and Misappropriation

The Topor and Mukut meet the standard of TCE susceptibility to commercial exploitation and misappropriation. At the present time there are major threats to traditional Topor and Mukut that includes:

- i. mass production using industrial methods and non traditional materials, which dilutes the cultural originality and spiritual significance of these objects;
- ii. commercialization by non community entities who profit from tradition without benefiting hereditary craftspeople;
- iii. copyright and design infringement through unauthorized replication of traditional designs;
- iv. cultural appropriation that involve the use of traditional forms in inappropriate contexts or with modifications that distort cultural meaning; and
- v. inadequate recognition and credit to communities and craftspeople who originate these traditions.

These misappropriation risks clearly shows that the Topor and Mukut require certain specific legal protection mechanisms as without such protections the commercial value that are generated by these traditions goes to unauthorized commercial institutions rather than benefitting the Malakar communities who originated and maintained these expressions.

4. Existing Legal Provisions and Application of Intellectual Property

4.1 The International Legal Landscape through WIPO and TCE Protection

WIPO through its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) has developed draft provisions that

specifically address TCE protection which was published most recently as the “Draft Articles/Provisions for the Protection of Traditional Cultural Expressions, Traditional Knowledge and Expression of Folklore”⁹.

Several foundational principles of WIPO’s TCE protection framework are directly applicable to the Topor and Mukut:

Definition and Scope: The provisions of WIPO TCE define protected expressions as artistic or literary demonstration which may be tangible or intangible expressions. As handcrafted artifacts both Topor and Mukut represent the artistic creativity and cultural tradition that aligns with WIPO’s definitional scope of TCE¹⁰.

Eligibility Criteria: The draft provisions of WIPO establish that protectable TCEs must be:

- i. the result of creative intellectual work of indigenous or traditional communities;
- ii. distinctive of or uniquely related to the cultural and social identity of these communities; and
- iii. characterized by novelty in substance and form.

The Topor and Mukut satisfy all three criteria as they are the result from centuries of Malakar artistic development along with distinctively associated with Bengali cultural identity, and demonstrate genuine substance and form that reflect traditional practices.

Rights Framework: WIPO provisions propose that beneficiary communities receive rights to:

- i. deter unauthorized reproduction, adaptation, distribution, and performance of TCEs;
- ii. appreciate communities as sources of expressions unless it is impossible;
- iii. restrain use or modifications that twist, disfigure, or render offensive expressions; and
- iv. control disclosure and exploitation of secret TCEs¹¹.

These proposed rights directly address misappropriation risks that are faced by Topor and Mukut traditions.

Duration of Protection: Basically WIPO framework suggests that TCE protection endure "as long as the traditional cultural expressions continue to meet the criteria for protection," in place of limited duration applicable to conventional IP categories¹². The collective and multi generational nature of TCEs reflected by the perpetual protection differentiate them from copyright's limited term that are based on individual creator lifespan.

Tiered Protection System: The WIPO framework suggests a layered approach to safeguarding

⁹ World Intellectual Property Organization, Documenting Traditional Knowledge – A Toolkit, WIPO Pub. No. 1049E (2017), <https://www.wipo.int/publications/en/details.jsp?id=4285> (last visited Nov. 8, 2025)

¹⁰ *id*

¹¹ *id*

¹² *id*

TCEs. Under this system, sacred traditional cultural expressions would be granted stronger protection than everyday or secular forms¹³. The idea is that expressions carrying deep spiritual meaning and cultural identity deserve a higher level of respect and legal security. As the spiritual and matrimonial sacred character of Topor and Mukut tradition has evidently seen, these expressions would help them uplift the protected status within the stratified framework. Though still in draft status and awaiting international consent the WIPO provisions establish the international legal harmony that TCEs require specialized protection mechanisms adapted to their unique characteristics. The Topor and Mukut illustrate the types of expressions WIPO protection frameworks specifically target.

4.2 Geographical Indications: Strongest existing IPR Protection Mechanism

Among the different intellectual property systems available today, geographical indications (GIs) are widely seen as the most suitable for safeguarding traditional handicrafts. GI laws validate that certain products have special qualities and reputation because they come from a particular geographical area and are made through traditional community knowledge.

GI Protection in India

The **Geographical Indications of Goods (Registration and Protection) Act, 1999** defines a GI as a sign that identifies goods as advancing from a specific region where their quality, design or characteristics are directly linked to that particular location¹⁴.

A key strength of the GI system is its collective ownership which means protection belongs to the community or region and not any single artisan. This makes GIs naturally more compatible with TCEs than copyright or design laws that focus on individual creators.

Why GIs Fit Topor and Mukut

Topors and Mukuts clearly satisfy the following GI requirements:

- i. They originate from specific regions of Bengal, especially areas where Malakar community are present like Howrah and Bardhaman.
- ii. Their distinct qualities depend on local knowledge and the availability of shola, a natural material found in Bengal.
- iii. Their sacred traditional use is deeply rooted in Bengali marriage traditions and has been recognized for centuries.

GI Success Stories from Bengal

¹³ *id*

¹⁴ Geographical Indications of Goods (Registration and Protection) Act, No. 48 of 1999, § 2(1)(e) (India), <https://www.indiacode.nic.in/handle/123456789/2048> (last visited Nov. 8, 2025)

Several Bengali traditional crafts are already GI protected which demonstrate that the system works well in this cultural context:

- i. Bengal Patachitra (registered in 2017–18)
- ii. Purulia Chau Mask
- iii. Wooden Masks of Kushmandi

Further efforts to register Murshidabad Silk show growing recognition of Bengal's heritage crafts under the GI framework.

Benefits of GI Protection for Topor & Mukut

GI registration would help to protect these cultural expressions in multiple ways:

- i. Community empowerment which means rights belongs to the Malakar community as a whole.
- ii. Preventing misuse so that others cannot falsely market machine made items as “Bengal Topor/Mukut.”
- iii. Novelty & quality to ensure that only genuine products using traditional materials and techniques receive the GI label.
- iv. Economic uplift to authentic GI tagged crafts to earn premium value to benefit real artisans.
- v. Protection of cultural identity by legal recognition that would prevent cultural dilution and generic usage.
- vi. Global recognition as GI status supports extended protection in international markets.

But GI Protection Has Gaps

Despite its advantages, GI law alone cannot fully safeguard TCEs:

- i. It protects only the name and origin not the traditional techniques or cultural meaning.
- ii. It doesn't stop others from copying the design rather restricts only from using the protected geographic name.
- iii. It requires communities to be well organized to apply and enforce rights which can be challenging.

The process can be slow, expensive, and administratively demanding.

In way forward it can be said that GIs are the most practical of India's current IP tools for protecting Topor and Mukut traditions. However, like copyright and design laws, they still fall short of offering complete protection for cultural knowledge and living traditions.

5. Need and Structure of a Sui Generis System for Protecting Topor and Mukut

5.1 Conceptual foundation for Sui Generis Systems

Because of the sacred and collective heritage of Topor and Mukut protecting them through prevalent intellectual property systems like copyright, design protection, or trademarks is insufficient and often incompatible. This gap may lead to misuse, unauthorized commercialization, and cultural dilution. Therefore, a sui generis or specialized legal protection framework is necessary.

A sui generis system recognizes the unique characteristics of traditional cultural expressions (TCEs). Unlike standard IP which is designed for individual authorship and limited protection terms TCEs are the result of collective creativity that extends over multiple generations. They require constant protection to preserve their novelty and cultural meaning.

5.2 Design Principles for Topor and Mukut Sui Generis Protection

Under the proposed system, the Malakar community who maintain traditional knowledge through customary training would be recognized as the rightful protector of Topor and Mukut traditions. Instead of merely granting rights to individuals, the law would provide collective rights to the community. These rights would ensure:

- i. Proper Attribution: Any use or reference to Topor and Mukut must acknowledge the community's cultural ownership.
- ii. Control Over Use: Communities may approve or restrict uses to ensure they align with cultural and spiritual values.
- iii. Economic Benefit Sharing: Commercial exploitation must include fair compensation or partnerships with the custodial community.
- iv. Protection of Cultural Integrity: Distorted, offensive, or spiritually inappropriate adaptations would be prohibited.

It is to be mentioned that protection would last without end, as long as the tradition remains alive. The framework must also respect customary governance such as family experience and rules about who can produce or perform certain aspects of the craft ensuring that law reinforces community norms rather than replacing them.

While registration should not be mandatory for protection but voluntary documentation can support enforcement for creating records of design forms, history, and practitioners that can help prevent counterfeiting and cultural misappropriation.

The system should also provide clear remedies against unauthorized exploitation, cultural appropriation, and misrepresentation further supported by accessible administrative and legal enforcement mechanisms, including cross border protection where necessary.

Finally, the recommended model mix this sui generis foundation with complementary existing IP tools like geographical indications and copyright for new innovations. This integrated, community centered approach ensures comprehensive protection for Topor and Mukut thereby securing both cultural dignity and economic rights for future generations of the Malakar community.

5.3 Enforcement Mechanisms

Effective sui generis protection requires strong enforcement mechanisms that include:

1. Civil Remedies that incorporate injunctive relief that prevent the ongoing infringement, damages compensation for unauthorized use and mandatory attribution requirement.
2. Criminal Penalties particularly criminal sanctions for deliberate commercial misappropriation that include severe penalties for knowingly using sacred traditions in an offensive manner.
3. Administrative Mechanisms to review procedures of agency that enable communities to challenge misappropriation and seek administrative remedies without requiring full litigation.

Criteria	Copyright Act (1957)	Designs Act (2000)	Geographical Indications Act (1999)	Sui Generis System (Proposed)
Subject Matter	Artistic Work	Ornamental design of articles	Goods identified with a geographic origin	Traditional Cultural Expressions & knowledge
Duration	60 years after author's death	10 years renewable to 15 years	Renewable indefinitely	Perpetual protection as long as tradition exists
Ownership	Individual author or heirs	Proprietor (may be individual or entity)	Community or group of producers	Community and traditions custodians

Scope of Protection	Expression of originality required	Protection of visual designs only	Prevents misuse of geographical name	Protect tangible, intangible, collective aspects
Limitations	Not collective, limited period	Must be novel, exclude prior traditional designs	Focused on product and does not cover cultural knowledge	Requires specialized legislation and enforcement

Table 1: Comparative Analysis of Indian Intellectual Property Regimes for Protecting Topor and Mukut

6. Traditional Knowledge Dimension: Craft Practice and Knowledge Systems

6.1 Traditional Knowledge in Topor and Mukut Craftsmanship

Topor and Mukut are not only wedding accessories but symbols of a rich traditional knowledge system that has developed within the Malakar community over centuries. This knowledge goes far beyond the visible product and includes an entire ecosystem of material science, craftsmanship, design tradition, and cultural understanding.

Material Selection and Processing:

Authentic Topor and Mukut are crafted from shola which is an aquatic plant found primarily in waterlogged Bengal regions such as the Sundarbans delta¹⁵. Malakar artisans possess highly specialized knowledge about the plant’s growth patterns that is where it grows best, the precise monsoon season when it should be harvested, and how maturity affects the quality¹⁶. Traditional knowledge also includes methods to peel, cure, and condition the soft white pith before it becomes workable. This expertise cannot be replicated only by studying the material but also by how it is uniquely inherited and refined within the community¹⁷. Such knowledge

¹⁵ Sahapedia, Sholapith: Herbal Ivory of Bengal, <https://www.sahapedia.org/sholapith-herbal-ivory-of-bengal-0> (last visited Nov. 8, 2025)

¹⁶ Sholapith Art: Artist Karen Malaker Making Effort to Save Divine Crafts, YouTube (Jan. 22, 2023), <https://www.youtube.com/> (last visited Nov. 8, 2025)

¹⁷ A Film on the Shola Craft Tradition of Bengal, YouTube (Dec. 19, 2019), <https://www.youtube.com/> (last visited Nov. 8, 2025)

holds economic value and needs legal protection against commercial misappropriation by exploiters.

Craft Techniques and Skills:

The complex detailing of Topor and Mukut requires incredible patience and skill that is achieved through years of hands on learning. A unique traditional tool, the Kath, a sharpened carving knife, is used to hand cut the delicate motifs. Skills such as tool sharpening, pressure control and fine motor precision are transferred orally and experientially.

Aesthetic Knowledge and Design Conventions:

Each design element of a Topor and Mukut reflects the deeply rooted cultural artistic value. The crown height and the arrangement of ornamental curls and floral cutwork are governed by the proportion rules. These artistic conventions are not only decorative ornamental pieces but the expression of community that collectively understand its traditional items. Unauthorized replication of these same design elements, demonstrate the significance of intangible aesthetic knowledge.

6.2 Role of Traditional Knowledge Digital Library (TKDL)

India's Traditional Knowledge Digital Library (TKDL) has effectively prevented global misappropriation of Ayurvedic and indigenous medicinal knowledge by documenting it in standardized formats that are accessible to patent offices¹⁸. While currently TKDL is focusing on biological and medicinal systems, its approach further offers a promising model for safeguarding crafts such as Topor and Mukut.

A TKDL aligned strategy for the Malakar tradition could involve:

- i. Recording traditional designs with visual archives and histories of their evolution.
- ii. Documenting craft processes that include carving techniques, tool knowledge, and finishing methods.
- iii. Capturing cultural and spiritual context linking the craft to marriage rituals and Hindu symbolism.
- iv. Maintaining a registry of practitioners to protect the lineage and apprentice networks.
- v. Ensuring multilingual accessibility (Bengali, Hindi, English) for their wider legal recognition.

¹⁸ Press Information Bureau, Govt. of India, Traditional Knowledge Digital Library, <https://static.pib.gov.in/> (last visited Nov. 8, 2025)

This kind of document would act as a protective shield for the community and at the same time it would emphasize that this craft is not an invention for commercialization.

6.3 Prior Informed Consent and Benefit Sharing

International frameworks like the Convention on Biological Diversity and Nagoya Protocol emphasize that communities must consent prior to external use of their traditional knowledge and must share in any benefits arising from such use. Applying these principles to Topor and Mukut means:

- i. no commercial or research exploitation without community notification and voluntary approval.
- ii. written agreements clearly state the intended uses, terms, and boundaries.
- iii. economic returns distributed thoroughly:
- iv. monetary compensation,
- v. community equity in commercial ventures,
- vi. technology transfer and skill development, and
- vii. culturally appropriate acknowledgment of origin.

This would rectify the historical inequities where artisans contributed knowledge but received little or no benefit from commercialization by others.

Characteristic	Explanation	Supporting Evidence
Collective Authorship	Created and maintained by Malakar community	Hereditary passing of craft, communal knowledge
Cultural Identity Marker	Integral to Bengali wedding rituals	Ritual use by bride and groom, cultural symbolism
Spiritual Significance	Connected with Hindu mythology, auspiciousness	Linked to Lord Shiva, symbolic auspiciousness in rituals
Artistic Craftsmanship	Use of Sholapith and specialized carving tools	Use of Kath knife, delicate handcrafted designs
Vulnerability to Misuse	Subject to imitation and commercial exploitation	Mass production if plastic imitations

Table 2: Key Characteristics Qualifying Topor and Mukut as Traditional Cultural Expressions

7. Conclusion

Bengal's Topor and Mukut customs are more than just ornamental wedding ornaments, they are vibrant representations of culture, identity, and communal pride. These crowns, which have been handcrafted by the Malakar community for generations, have deep spiritual significance in Bengali marriage ceremonies. They stand for blessings, innocence, and family unity. Centuries of practice, belief, and cultural memory lovingly passed down from one generation to the next are reflected in their intricate artistry.

These traditions are not completely protected by current intellectual property laws, despite their importance. Individual creators instead of the collective knowledge of the community, are primarily recognized by copyright law. As we know older designs are hard to protect because of the Designs Act's requirement for novelty. Despite being more appropriate, even the Geographical Indications framework prioritizes market identity over cultural integrity.

A unique legal strategy that recognizes traditional cultural expressions as a shared heritage is required in order to meaningfully protect Topor and Mukut. Therefore in order to ensure that the people who preserved the craft receive the financial benefits, communities should be granted the acknowledged right to regulate the use of their cultural expressions. Legal protections must simultaneously stop abuse, mass copying, and demeaning portrayals of these holy items.

A practical way forward is provided by a combined approach that includes GI registration, community documentation, benefit sharing arrangements, and a long term sui generis legal framework. These lovely customs can flourish in contemporary marketplaces without sacrificing their authenticity if they receive the appropriate legal recognition and are governed by the community.

In the end, protecting Topor and Mukut is about respecting identity and the voices of those who carry traditions. Bengal's crown making heritage will endure and serve as a symbol of love, continuity, and the state's cultural diversity for many generations to come if careful action is taken.