
ASSESSING LEGAL RESILIENCE IN THE FORMALISATION OF ERI SILK (RYNDIA) UNDER MEGHALAYA'S SERICULTURE & WEAVING FRAMEWORK¹

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ABSTRACT

The Eri Silk (Ryndia) is a major source of livelihood for many people in Meghalaya. Eri silk is produced using a method that is considered to be a “non-violent” one and is therefore called “Peace Silk.” Eri silk weaving is inextricably connected to the Matrilineal social structure of the Khasi and Garo communities. Eri Silk weaving is primarily done by women in their homes as part of their agricultural, family, and community responsibilities. As such, the eri silk weaving process is directly related to the seasonal cycles and the control that women have over their time and pace of work. Therefore, the ‘Meghalaya Sericulture & Weaving Scheme, 2024,’ aims to formalize eri silk weaving as a cottage industry and thereby transform it from a subsistence activity to a formal one. The Scheme provides financial assistance, registration of artisans, upgrading of technology and connecting artisans to markets. The intention of the Scheme is to increase women’s incomes and reduce their reliance on middlemen. However, the Scheme makes several assumptions about the production of eri silk including regular production, individual ownership and standardized work practices.

This paper analyzes whether the assumptions made by the scheme regarding eri silk production are congruent with the realities of women eri silk weavers. Using both doctrinal and analytical methods, the Scheme will be analyzed along with existing legal and academic literature pertaining to informal labour, gender and customary law. The paper utilizes the concept of legal

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resilience to assess how formalization affects customary livelihoods. Although the scheme provides legal recognition and protection for women eri silk weavers, it does not account for household-based production, time poverty and collective labour arrangements. If formalization does not recognize the features of household-based production, time poverty and collective labour arrangements, then it has the potential to exclude the very women whom the Scheme seeks to support. The paper concludes that legal frameworks must be adaptable to customary practices rather than requiring conformity to industrial norms. Legal resilience lies in supporting flexibility, seasonality and matrilineal knowledge systems within formal policy design.

Keywords: Eri Silk (Ryndia), Legal Resilience, Women's Informal Labour, Meghalaya

Introduction:

The Eri Silk (Ryndia) is unique within the socio-cultural and legal environment of Meghalaya. While the majority of silk varieties require the death of silkworms, Eri silk is created using a non-violent method whereby the moths can naturally exit the cocoon. The ethical manner of creating Eri silk is one reason why it is referred to globally as “peace silk.” In addition to its ethically created method of production, the significance of Ryndia to Khasi and Garo cultures extends beyond the environmental, ecological and market-based explanations. Ryndia is a common thread throughout daily life, rituals and customary systems of inheritance. As a material artifact and indicator of a group’s collective identity, the weaving of Ryndia is passed down inter-generationally from mother to daughter, typically within the confines of a household.² Historically, the loom is positioned within a home environment as opposed to a separate industrial location.³ Empirical studies conducted in the Ri-Bhoi District indicate that the understanding of weaving is not limited to a single occupation but is perceived as a cultural activity that coexists with agrarian activities, child-care and community responsibilities.⁴ Therefore, unlike many other countries’ productivity-oriented national textile policies, the handloom and sericulture economies of Meghalaya are structured differently. Women engaged in weaving operate as part-time, flexible, household-based production units. Time allocated to weaving is determined by the seasonality of the agricultural cycle, child-care and clan

² Nisa Lyndem, *Ryndia Silk of the Khasi Hills, Meghalaya*, Garland Magazine (May 27, 2021), <https://garlandmag.com/article/ryndia-silk-of-the-khasi-hills-meghalaya/>.

³ *Ibid.*

⁴ Bharath Ramkumar & Rebecca M. Dias, *Sustaining Traditional Textile Art among the Indigenous Nongthuh Women of North-Eastern India: An Interpretative Phenomenological Analysis*, Fashion, Style & Popular Culture (2021), https://doi.org/10.1386/fspc_00075_1.

responsibilities. Meynell's study of Eri silk communities in Ri-Bhoi illustrates that this part-time, flexible approach to weaving is not indicative of economic ineffectiveness.⁵ Instead, it represents a conscious decision-making process to maintain a balance of social, environmental and cultural aspects.⁶ Ethnographic research completed on Nongtluh and other Khasi women weavers illustrate that maintaining continuity of traditional textile practices relies heavily on having control over time, the ability to regulate the pace of production and being able to incorporate weaving into an individual's normal, daily household activities.⁷ In light of this, the 'Meghalaya Sericulture & Weaving Scheme, 2024' (hereinafter the 'Scheme of 2024/2024 Scheme') represents a significant paradigmatic shift. The Scheme outlines the intention to transition weaving from a 'subsistence' based activity to a formalized cottage industry. To achieve this goal, the Scheme emphasizes providing direct financial support, establishing marketing links, training in skill certification and reducing dependency upon the customary intermediaries. Although this proposed framework appears to address some of the previously identified structural barriers to the participation of women weavers (e.g., exploitation of middlemen, lack of access to credit, etc.) and aligns itself with the broader development narratives regarding the potential of sericulture as an avenue for empowering rural women and generating income for those residing in Northeastern India. Previous research indicates that there are concerns regarding the implementation of formalization frameworks based upon standardized productivity expectations.⁸ Research documenting traditional handloom practices in Meghalaya indicates that women's participation in weaving is greatly impacted by their experiences with time poverty, resulting primarily from their responsibilities for unpaid care work, agriculture and community labor.⁹ Consequently, formal schemes that assume that all participants will have the ability to be full-time entrepreneurs or meet specified levels of production can inadvertently eliminate from eligibility consideration those who were intended to benefit from them.¹⁰ Furthermore, household-based production under customary systems of matrilineage complicates conventional legal definitions of enterprise, ownership and labor.

⁵ Anna-Louise Meynell, *A Sustainable Model: Handloom and Community in Meghalaya, Northeast India*, in Handloom Sustainability and Culture (M. Å. Gardetti & S. S. Muthu eds., Springer 2021), https://link.springer.com/chapter/10.1007/978-981-16-5967-6_8.

⁶ *Ibid.*

⁷ *Supra* Note 3.

⁸ *Supra* Note 4.

⁹ Gunanka D.B., Junie P. Lyngdoh, Thomas Iangjuh, Marshal Sten & Kerry Willson Marbaniang, *Documentation of Traditional Handloom Practices in Meghalaya: A Case Study in Bhoirymbong C&RD Block*, 12 Int'l J. Multidisciplinary Res. & Dev. 1 (2025), <https://www.allsubjectjournal.com/archives/2025/vol12/issue2>.

¹⁰ *Supra* Note 4.

These definitions are predicated upon individually owned and/or market-facing units of production rather than kinship arrangements.

This article posits that while the 2024 Scheme provides a critical financial and institutional structure to enable women to circumvent the exploitation of intermediaries, the long term success of the Scheme will depend upon whether it acknowledges the realities of women's experiences with time poverty and the household-centered nature of Eri silk production under customary law. Legal resilience in terms of Ryndia livelihoods does not merely consist of the opportunity to obtain access to markets or capital, but is ultimately dependent upon the capacity of State policy to recognize flexible production cycles, collective household labor and culturally embedded forms of work. Failure to do so can result in formalization potentially replicating the exclusions experienced through law, as opposed to enhancing the adaptive resilience that has enabled Eri silk weaving to continue for generations in Meghalaya. This study is guided by the research question of whether the 'Meghalaya Sericulture and Weaving Scheme, 2024' is conceptually and legally designed to accommodate the household-based, time-constrained and customary law-informed production structure of women eri silk weavers in Khasi and Garo societies. The objectives are, first, to examine the Scheme and its regulatory assumptions on labour, enterprise, productivity and formalization within the handloom and sericulture sector. Second, to analytically situate these assumptions against established legal and academic literature on eri silk weaving as a household-centred and culturally embedded livelihood under matrilineal customary systems in Meghalaya. Third, to evaluate the extent to which the Scheme strengthens legal resilience by aligning with or departs from these indigenous production models. The methodology adopted is purely doctrinal and analytical. It involves a systematic analysis of statutory instruments, policy documents and government schemes relating to sericulture and weaving in Meghalaya, read alongside judicial approaches to customary law and gendered labour where relevant, and supported by critical engagement with peer reviewed academic literature on eri silk, handloom governance and women's work, in order to assess normative coherence between formal legal frameworks and indigenous livelihood practices.

Customary Foundations of Eri Silk Production

The production of Eri Silk in Meghalaya is based on a customary household-based system i.e., one which refuses to recognize traditional boundaries between domestic labor and economic

activities. In contrast to industrial textile systems where production is located at one site (the factory) and reproduction occurs at another site (the home), Eri Silk weaving is incorporated into the daily spatial, temporal, and social organization of Indigenous Khasi and Garo households. The empirical evidence from the Ri-Bhoi District consistently shows that for women who weave, weaving does not represent a single occupation but is viewed as an intrinsic cultural practice that coexists with agricultural pursuits, childcare responsibilities, preparing meals, and other community obligations.¹¹ Therefore, this perspective directly influences how labor, skill and productivity are developed and experienced within Eri Silk livelihoods.

The Household Model and Weaving as an Extension of Domesticity

The household model at the heart of eri silk production has created a system in which women oversee the total value chain of production entirely within the confines of their homes. Studies of the ethnography of Nongtluh and other Khasi woman weavers demonstrate that the majority of these activities i.e., silkworm raising, cocoon processing, spinning, dyeing, and weaving, are conducted by the woman herself, often in conjunction with domestic responsibilities, on a loom located either in the house or a small room adjacent to the house (the “veranda” or “kitchen”).¹²

The positioning of the loom itself is not coincidental. It reflects an inherent cultural philosophy in which textile creation is viewed as a part of domestic life, rather than as waged work that can be dictated by a schedule or monitored by an outsider. As Meynell notes, because the weaving process is conducted in the context of the household, women have the ability to create a flexible and adaptable production schedule that is regulated by the cycles of agriculture, seasonal employment patterns, and family needs.¹³ When there is heavy demand for agricultural labor during certain times of the year, for example, the amount of time spent weaving can be reduced or temporarily halted, and then resumed with increased vigor during those periods when agricultural labor is less demanded.

It is this adaptability that is crucial to the long-term sustainability of eri silk production, especially in environmentally fragile and agrarian regions such as Meghalaya. Meynell’s research into eri silk production among communities in Ri-Bhoi demonstrates that the part-time and adaptive nature of this type of production is not indicative of low productivity, but is

¹¹ *Supra* Note 3.

¹² *Supra* Note 3.

¹³ *Supra* Note 4.

instead a strategic decision made to achieve social, ecological, and cultural objectives.¹⁴

Narratives about development that associate economic viability with full-time engagement or constant production do not reflect the normative logic that underlies traditional indigenous weaving systems.¹⁵ Notably, the household model also ensures women's independence in making production-related decisions. In contrast to factory-based and cooperative models in which production goals are established by outsiders, women who weave in their own households are able to maintain control over design, quantity and scheduling of production. This autonomy has contributed to the continued transmission of weaving skills across generations of women in these communities, since the passing of weaving knowledge from mother to daughter takes place informally through daily practice and not formally through educational institutions. In this way, the household is not only a site of production, but is a site of organizational structure for the distribution of labor, the transmission of knowledge, and economic participation, all of which occur without the influence of formal regulatory mechanisms.

Matrilineal Land Tenure and the Spatial Organization of Labor

Production based out of households relates to the customary land tenure system based on matrilineality in Meghalaya. In Khasi and Garo communities, lines of descent and inheritance follow the female, and the land and dwellings are generally passed down to women, particularly to the youngest daughter.¹⁶ Even though men traditionally dominate clan leadership and decision-making, women's customary rights to family homestead land also determine how weaving activities will be organized spatially. Typically, the family's weaving shed, animal rearing room and storage space are all located within the family land that is controlled by customary rules, not by formal property rights.¹⁷

These customary relationships have important legal implications. Since the production units exist in the family property, they do not meet the spatial requirements of labor regulations and

¹⁴ *Ibid.*

¹⁵ B.L. Manjula & Sanjeet Kumar, *Indigenous People, Traditional Practices and Modern Development*, in Indigenous People Traditional Practices and Modern Development (IntechOpen 2024); Deborah McGregor et al., *Towards Meaningful Research and Engagement: Indigenous Knowledge Systems and Great Lakes Governance*, 49 J. Great Lakes Res. 22, S25 (2023), <https://doi.org/10.1016/j.jglr.2023.02.009>.

¹⁶ Anushka Jain & Yash Mahmia, *Power Relations and Family Arrangements: A Study of Matrilineal Khasi Families of Meghalaya*, 1 Jus Corpus L.J. 474, 480 (2021), <https://www.juscorpus.com/wp-content/uploads/2021/08/113.-Anushka-Jain-Yash-Mahmia.pdf>.

¹⁷ *Ibid.*

laws regulating industries, which assume a clear distinction between a place of work (the factory) and a residence. Consequently, eri silk production units are frequently excluded from labor inspectors' visits, enterprise registrations and occupational health and safety regulations.¹⁸ The fact that there is no physical separation of a home and a workplace complicates the ability of regulatory agencies to apply their own definitions of "an establishment," "a factory" or "a worksite." Thus, household-based weavers who operate under customary arrangements are often invisible in formal regulatory schemes.

In addition, matrilineal land tenure reinforces the social and kinship-based nature of production. Often, household-based weavers receive support from other family members (daughters, sisters, etc.) and older relatives, but these family members are not paid and are not recognized as part of the workforce.¹⁹ This collective form of labor represents a challenge to the legal frameworks that rely on the idea of enterprise ownership and labor agreements. Meynell describes the craft ecosystem of eri silk weaving as an agricultural/labor/textile production process that exists together rather than in hierarchical order.²⁰ Therefore, if an attempt is made to formalize eri silk production without taking into account the customary relationships of land and labor, it could impose regulatory standards that are incompatible with native customs.

The Gendered Paradox of Skill, Labor and Legal Recognition

Although the primary producers and holders of the cultural knowledge of eri silk, women in Meghalaya are placed in a somewhat anomalous position in terms of their legal status as weavers. Throughout many studies there is a common thread of women's labor being classified as "unskilled," "subsidiary" or "ancillary" to agricultural production.²¹ Women have spent many years developing specialized skills as eri silk weavers including but not limited to rearing, spinning, dyeing and weaving. The fact that these skills continue to be misclassified as

¹⁸ Deborah McGregor et al., *Towards Meaningful Research and Engagement: Indigenous Knowledge Systems and Great Lakes Governance*, 49 J. Great Lakes Res. 22, S25 (2023), <https://doi.org/10.1016/j.jglr.2023.02.009>.

¹⁹ *Supra* Note 17.

²⁰ *Supra* Note 4.

²¹ Avalon Fotheringham, *Guest Post: Eri Weaving in Meghalaya*, Asia (Nov. 6, 2015), <https://www.vam.ac.uk/blog/fabric-of-india/guest-post-eri-weaving-in-meghalaya#:~:text=The%20creative%20process%20is%20completely,can%20also%20earn%20a%20living>; Julie Kagti, *Keepers of a Dyeing Art: The Eri Hand Spinners of Meghalaya and Assam*, Dark N Light, <https://darknlight.com/projects/article/keepers-of-a-dyeing-art-the-eri-hand-spinners-of-meghalaya-and-assam#:~:text=For%20example%2C%20if%20a%20woman,less%20who%20handspin%20the%20yarn> (last visited Dec. 23, 2025).

unskilled or subsidiary to agricultural production is reflective of deeper-rooted gender biases in both the informal trade and policy discourses.

As a direct consequence of this misclassification, women's labor is often not formally recognized as skilled or primary labor for purposes of government-defined "workers." Therefore, they are denied eligibility to receive certain government-provided welfare benefits, insurance schemes, credit facilities, and formal grievance processes.²² Research has shown that when the State provides support programs for the development of sericulture in Meghalaya and Assam, the majority of women weavers are excluded from participating in those programs due to the fact that their labor is not formally documented as part-time employment.²³

Thus, women weavers experience a form of gendered paradox in relation to customary and formal legal and economic frameworks governing their production of eri silk. Customary systems grant women weavers control over land, domestic space, and knowledge transmission, placing them at the center of eri silk production. In contrast, formal legal and economic frameworks render their labor invisible or secondary. Furthermore, formalization efforts which provide standardized productivity benchmarks and entrepreneurial models based on full-time engagement implicitly favor male-dominated or capital-intensive forms of production over household-based, part-time systems of production that are predominantly controlled by women.²⁴

From a doctrinal perspective, the disconnect between customary and formal legal and economic frameworks illustrates the limitations of existing labor and enterprise law in providing protections for indigenous livelihood systems. Definitions of "worker," "enterprise," and "skill" are based upon industrial paradigms that do not reflect the relational, collective and culturally embedded nature of eri silk production. Therefore, attempts to formalize indigenous production systems can create further exclusions through law, rather than addressing the underlying structural inequalities. Women weavers can be recognized as legal persons with rights through a redefinition of regulatory categories to recognize customary land tenure,

²² *Ibid.*

²³ Nivedita Brahma, *A Study on Socio-Economic Condition of Bodo Women Weavers in Sualkuchi Development Block in Kamrup (Rural), Assam*, 20 Elementary Educ. Online 8999, 9002–03 (2024); Ellina Samantroy, *Gendered Analysis of Women's Participation in Domestic Duties in North East India*, VV Giri Nat'l Lab. Inst. 1, 48–50 (2017).

²⁴ Ellina Samantroy, *Gendered Analysis of Women's Participation in Domestic Duties in North East India*, VV Giri Nat'l Lab. Inst. 1, 48–50 (2017).

household labor arrangements, and gendered divisions of work.

Implications for Legal Resilience and Policy Design

The traditional bases of production of Eri Silk provide an important foundation to evaluate the legal resiliency of Ryndia Livelihood systems when they confront formalization. In this context, legal resiliency is not simply the capability to access marketplaces and capital, but is also the capability of legal frameworks to accommodate and be adaptable to indigenous forms of production while maintaining the social-cultural foundations upon which they exist. The household model, matrilineal land tenure and gendered labor relations that provide the basis for eri-silk weaving are not residual or transitional, instead they are foundational aspects of the livelihood system as a whole.

Therefore, any policy or legal mechanism that fails to account for these foundations could lead to the destabilization of the very same practices it seeks to support. Mechanisms for formalization that implement rigid production targets, require the physical separation of places of work, or require registration of individual enterprises could unintentionally result in exclusion of women from accessing benefits due to time constraints resulting from unpaid care obligations.²⁵ On the other hand, legal mechanisms that enable recognition of household-based production, collective labor, and flexible engagement can promote resiliency by accommodating customary practice.

Thus, the eri silk production in Meghalaya represents an important case study to rethink the relationship between customary law, gendered labor and state regulation, and challenges the dominant assumptions of law regarding work, productivity and enterprise, and highlights the need for context-sensitive approaches that center on the lived experiences of women. Through the establishment of customary foundations for eri silk weaving, this research argues for a legal definition of resiliency based on accommodation (not assimilation), and recognition (not standardization).

Formalisation under the 2024 Scheme: Legal Inclusion or Structural Misfit

The 'Meghalaya Sericulture and Weaving Scheme, 2024' represents a decisive policy shift in the governance of handloom and sericulture livelihoods in the State. Moving away from earlier

²⁵ *Supra* Note 4.

welfare-oriented or subsistence-support frameworks, the Scheme explicitly seeks to reconstitute weaving as a formalized cottage industry. This transition is pursued through three principal mechanisms i.e., financial assistance for individual spinning and weaving units, formal registration of artisans and technological upgradation aimed at increasing productivity and market competitiveness. On its face, this approach aligns with national development narratives that equate formalization with empowerment, productivity, and economic dignity. However, when examined against the customary foundations of eri silk production in Meghalaya, the Scheme reveals a structural misfit between regulatory assumptions and lived production realities.

Formalization, as deployed in the Scheme, is premised on a particular legal imagination of work. It assumes that production is best organized through individualized units, spatially fixed workplaces, standardized technologies, and clearly identifiable economic actors who can be registered, trained, and monitored. These assumptions are deeply rooted in industrial and post-industrial models of labor regulation. Yet eri silk production in Meghalaya has historically evolved through household-based, kin-centered, and socially embedded practices that resist such categorization. The legal question, therefore, is not merely whether the Scheme provides benefits, but whether its architecture is normatively compatible with indigenous modes of production or whether it inadvertently destabilizes them.

Individual Unit and the Disruption of Communal Craft Ecosystems

Eri Silk production in Meghalaya historically occurred as part of a communal craft system rather than as independent enterprises. The processes of spinning, preparing for the loom, dyeing and yarn processing were all done through collaborative, communal activities as part of day-to-day life. Many women would engage in these activities in open spaces like courtyards, verandas, and village commons, where they could also attend to children, share conversations, and complete other household tasks at the same time. Studies have documented that the tools used in Eri Silk production (like the drop spindle) are both functional and serve as “mobile” technology for women to use to continue to produce even when traveling to work in the field, visiting with neighbors, or attending community events. Using these mobile technologies enables women to easily fit spinning into their daily lives and not be limited to specific “work hours” or areas.

In contrast, the proposed scheme focuses on creating individualized production units with fixed

work-sheds. While the intention is to provide women with increased ownership and independence by giving them individualized production equipment, the potential outcome is that it will disrupt traditional methods of collective labor and social ties. By locating the production space of fixed work-sheds outside of home and communal spaces, it limits women's ability to weave while tending to care works or farming duties. As many women already operate under severe time constraints due to "acute time-poverty," separating their weaving from their domestic and communal responsibilities can limit, rather than increase, their ability to contribute to their weaving projects.

Craft research has cautioned that the process of individualizing production leads to the disintegration of craft-based ecosystems and undermines the social relationships that foster skill-sharing, mutual aid and collective survival. When production occurs in a communal system, knowledge is informally shared among members, the burdens of labor are dispersed throughout the family network, and the production rhythms are in sync with the rest of social activity. Conversely, the isolation created by individualized units places the burden of productivity entirely on the individual woman, weakens informal support structures, and removes the sharing of knowledge and labor from the production cycle. From a legal standpoint, individualized units also transfer risk and responsibility from a collective to an individual level, placing the burden of market instability and production pressures on the individual woman without adequate institutional support.

Additionally, the focus on individualized units reflects a broader policy trend towards the promotion of the entrepreneurial subject. Women are being re-conceptualized as individual micro-entrepreneurs, rather than as members of a collective livelihood system. Feminist critiques of entrepreneurial-driven development approaches note that these frameworks often mask structural inequities by portraying empowerment as the result of individual effort, while ignoring the barriers to entry caused by unpaid care work, social norms, and household responsibilities. Thus, promoting eri-silk weaving as an individualized economic burden, as opposed to a shared cultural practice, threatens to destroy the social structures that have supported eri-silk production in Meghalaya for generations.

Technology Upgradation and the Modernisation Narrative

One of the main contradictions in the 2024 Scheme is between the use of advanced technology as a means to increase production and connect to the market through fly shuttle frame looms.

It also includes the maintenance of traditional weaving, carried out by hand on floor looms (*thain madan*) which are small, made of wood and bamboo and are part of the Khasi Bhoi culture and tradition. Floor looms are built into homes and can be used at a low cost, providing weavers with the opportunity to remain closely connected to the weaving process both physically and sensorially.

Technically speaking, frame looms have some advantages. Frame looms make it possible to spin longer warps, produce more fabric per unit of time, and create more uniform products than floor looms, all of these characteristics being required by markets for standardized products. Critics of modernization narratives contend that the potential for the elimination of weavers' physical connection with their craft could become a reality when moving from traditional handloom weaving to frame looms. Literature surrounding craft theory emphasizes that traditional handloom weaving provides a rich interrelationship of touch, movement, body position, rhythm and embodied knowledge that cannot be easily duplicated on mechanized or semi-mechanized looms. Therefore, the move to frame looms can ultimately cause a loss of the "tacit" skills associated with hand-spun, floor-woven eri textiles.

Legally, the Scheme defines "handloom" as any type of loom that is not a powerloom, thus theoretically including both traditional floor looms and frame looms under the umbrella of "handlooms." However, in practice, access to financing, materials and equipment assistance are generally conditioned upon the acceptance and adoption of "modern" or "improved" technology. In effect, the conditions placed on the use of improved technology serve as a *de facto* barrier to entry for weavers who wish to continue utilizing *thain madan* looms for cultural, ergonomic or environmental reasons and can thus prevent them from receiving all available Scheme assistance. Exclusion in this way is particularly problematic because customary practices are protected under constitutional law, and cultural practices are important to the region.

Therefore, there are important questions regarding the neutrality of technology in policy development. Although the Scheme does not prohibit the use of traditional looms, the incentives provided by the Scheme favor certain technologies over others. From a legal perspective, the Scheme's use of incentives represents a method of regulatory steering that changes the way people produce goods without requiring them to do so. Ultimately, the danger exists that technological upgrades will become necessary to receive formal recognition and

assistance under the Scheme, and as a result, those who continue to follow customary practices will be marginalized. Over time, the homogenization of production processes and the reduction of the variety of textiles that are legally protected by instruments such as Geographical Indications can occur as a direct result of this type of regulatory steering.

Bridging the Identity Gap: Recognition, Wages and Legal Standing

The Problem of the Invisible Weaver

The 2024 scheme addresses one of the primary structural barriers that has historically kept women's weaving invisible in official labor statistics. Weaving in Meghalaya by women for generations was classified as supplemental housework rather than as work. Therefore, women's participation in weaving did not qualify them to be included on artisan registries nor did it provide them with eligibility for welfare programs, insurance programs and formal lending.

Therefore, in practice, the non-existence of Artisan Identity Cards made women legally invisible as subjects under the labor regime. Feminist legal scholars have identified this type of documentation exclusion as an important way through which informal female workers' legal personhood is denied.²⁶ Through their lack of formal recognition, women cannot make enforceable claims for government assistance, social security or for equitable compensation for their work. In addition to being invisible in the eyes of the law, the household-based nature of weaving in Meghalaya created a grey area between economic production and domestic labor. Therefore, it creates a void in the law that allows women to perform skilled income-generating work but provides no legal rights to those skills.

Formal Recognition and its Limits

The 2024 scheme will close the "identity gap" of artisans by enabling them to register with the government, obtain an ID card, creating new self-help groups and linking their wages to standardized cost charts developed by the KVIC (Khadi and Village Industries Commission). This is significantly different from previous schemes that viewed weaving as being a part of a person's culture or as a means of earning a living at home. The formal recognition of artisans

²⁶ Martha Alter Chen, *The Informal Economy: Definitions, Theories and Policies*, WIEGO Working Paper No. 1 (Aug. 1, 2012), https://www.wiego.org/wp-content/uploads/2019/09/Chen_WIEGO_WP1.pdf; Florence Bonnet, Joann Vanek & Martha Alter Chen, *Women and Men in the Informal Economy: A Statistical Brief* (Jan. 31, 2019), <https://www.wiego.org/wp-content/uploads/2019/09/Women-and-Men-in-the-Informal-Economy-A-Statistical-Brief-for-web.pdf>.

also creates other tangible advantages. For example, they can receive health insurance, take out soft loans, receive stipends for training, and participate in both national and international exhibitions.

However, researchers are warning that if the artisans do not receive the structural reforms necessary to address the inequalities that have been created through law. Then, they can be able to legally include the artisans but still create the same inequalities. Legal inclusion of artisans does not address the underlying factors that lead to women participating in the labor market, such as time poverty caused by caring for others, agricultural tasks and community duties. In addition, legal inclusion of artisans does not address the conflict that exists between producing goods within the household and a legal system based on individual wage-earning employment.

Wages, Piece-Rates and the Persistence of Unpaid Labor

Despite the formalization efforts, the devaluation of women's labor remains a persistent problem due to piece-rate wage systems. The Scheme provides wage incentives and social welfare contributions. However, there are many hours of unpaid family labor (e.g., silkworm rearing, cocoon cleaning and hand spinning) which precede loom time and are considered necessary inputs into the production process. Yet, these hours of labor are not included when calculating wages. As a result, the total hours of women's labor are consistently undervalued and contribute to the continued existence of gender-based wage disparities.

This creates serious issues with the law regarding whether current wage structures are adequate to recognize the entire range of women's employment. Piece rate systems presuppose discrete and measurable output. However, they do not provide an accounting for the continuous and diffuse labor of household-based production processes. Feminist Economists have argued that without recognizing unpaid reproductive and preparatory labor, formal wage structures will simply repackage exploitative conditions into legal forms.

Formalisation, Time Poverty and the Risk of Exclusion

Whether the 2024 Scheme will ultimately succeed will depend upon how well the legal frameworks for the Scheme allow for household-based production, collective labor and women's time poverty, as opposed to requiring compliance with industrialized norms of an enterprise. Formalization which requires full-time availability, a fixed geographical workplace

and continuous production, will likely exclude from participation in the Scheme precisely the women that the Scheme aims to assist. Thus, while some women can qualify for the benefits under the Scheme by meeting the entrepreneurship and technology standards required for qualification, women who are unable to do so because of their caregiving obligations or customary practices will be excluded from being qualified for the benefits under the Scheme.

The underlying issue here reflects a larger dilemma within development law: whether formalization is understood as the integration of individuals into the existing legal categories, or the transformation of those categories to accurately reflect the social realities of the people they are intended to serve. For example, in the context of eri silk production in Meghalaya, the legal framework of the Scheme will have to recognize the legitimacy of customary practices and systems of labor, value the organization of collective labor and account for the unequal distribution of unpaid domestic labor among the genders. Otherwise, the formalization process could result in an exclusionary mechanism for the purposes of enhancing the resilience of women involved in eri silk production.

Synthesising the legal resilience of the Cottage industry

The legal resilience of the eri silk sector in Meghalaya cannot be measured solely by its economic survival or market expansion. Rather, resilience should be understood as the sector's capacity to retain its customary integrity while navigating formal legal and market structures introduced through state intervention. Under the Meghalaya Sericulture and Weaving Scheme, 2024, this resilience is placed under sustained normative pressure as the law seeks to reconcile indigenous modes of production with regulatory frameworks premised on productivity, standardization, and entrepreneurial rationality. The central question, therefore, is whether formalization operates as an enabling scaffold that strengthens customary livelihoods or as a regulatory cage that reshapes them beyond recognition.

A Legal Resilience: Customary Core v. Market Rationality

Legal resilience refers to the ability of a livelihood system to adapt to regulatory interventions without compromising the norms that provide its social, cultural and economic meaning.²⁷ In

²⁷ Martha-Marie Kleinhans & Roderick A. Macdonald, *What Is a Critical Legal Pluralism?*, 12 Can. J.L. & Soc. 25, 25–46 (1997), https://www.mcgill.ca/macdonald-symposium/files/macdonald-symposium/ps4_what_is_a_critical_legal_pluralism_1997.pdf.

the context of eri-silk (*Ryndia*), the customary core is comprised of two intertwined elements: the ethical philosophy of non-violent silk production often referred to as “Peace Silk,” and the matrilineally based household structure for the transmission of knowledge and labor.²⁸ This distinguishes eri-silk from other commodities as well as providing evidence of its status as a socio-legal institution within the customary systems of the Khasi and Garo.

The 2024 Scheme seeks to promote legal resilience in the eri-silk sector through formal institutional arrangements including the application of GI protection, handloom marks and artisan registration. These mechanisms provide both legal recognition and protection against imitation, thereby aligning with IP frameworks that aim to protect authenticity in traditional goods.²⁹ However, legal resilience cannot be solely focused upon protecting the product itself. If the regulatory intervention extends too far into the production process by specifying required technology, productivity standards, or organizational structures it can also result in the erosion of the customary practices that define the craft. Craft studies have shown that over-regulation can lead to “deskilling” i.e., the displacement of embodied knowledge by standardized techniques developed to meet external commercial requirements.³⁰

Therefore, legal resilience in the eri-silk sector will depend on whether the statutory definition of “handloom” is broad enough to encompass the variety of tribal craftsmanship present in the sector. A definition that is formally inclusive but substantively exclusionary (as there are conditions attached to the benefits) undermines the pluralism that cultural protection instruments are intended to protect. The statutory protections should extend to the preservation of customary processes, as well as the outputs marketed through the handloom, to recognize that value exists equally in how an object is manufactured as in what is manufactured.³¹

Productivity Norms and Customary Seasonality

State-led formalization of labor assumes a year-round productive use of time. The 2024 Scheme also implies continuous (or at least measurable) output from public investments. Customary practice for producing eri silk in Meghalaya, however, has traditionally been a

²⁸ *Supra* Note 1.

²⁹ Ministry of Textiles, *Handloom Census of India* (Gov’t of India 2010), <https://handloomcensus.gov.in/pdf/Handloom%20Census%20Final%20Report.pdf>.

³⁰ E.P. Thompson, *Time, Work-Discipline, and Industrial Capitalism*, 38 *Past & Present* 56 (1967), <https://www.jstor.org/stable/649749>.

³¹ *Supra* Note 8.

seasonally-based craft with an economic rhythm defined by the needs of agriculture, climate and household labor. Studies have shown that women's eri silk weaving is done mainly during the agricultural lean season or in the evening hours following completion of their day's fieldwork and other family obligations.³²

The state's focus on an individual unit, a work shed, and a de facto expectation of production could potentially reinterpret weaving as an activity analogous to factory-style production as opposed to a multi-occupation lifestyle. Financial support for these women typically comes in the form of benchmarks that assume consistent output. Therefore, women who have less time available to weave due to other commitments are disadvantaged under this type of system. This is yet another example of how a framework based on productivity disadvantages women, because such a framework does not account for women's non-traditional patterns of labor utilization due to their responsibilities for unpaid care.³³

For sustainable alignment of the state's formalization schemes and customary practices, there should be a transformation in the conceptualization of what constitutes productivity. Fluctuations in production that occur seasonally are viewed by most scholars as inefficient uses of resources. However, it can be observed that these fluctuations are fundamental characteristics of the agrarian-craft economy in which eri silk is produced. Therefore, a flexible model of productivity that views the weaver as a multi-occupational artisan is necessary to recognize that her time will be divided among the loom, the hearth and the paddy field. When a legal framework allows for variation in the production process rather than punishing those variations, it demonstrates a commitment to substantive equality, as opposed to formal uniformity.³⁴

Individual Units and Collective Power

An additional strain on the Scheme stems from its emphasis on providing funds to individuals to operate spinning and weaving units. Normatively, this new focus on individualized units is articulated through the lens of empowerment and entrepreneurship as a means of allowing women to own both the tools and the space to produce goods themselves. Individualized unit

³² *Ibid.*

³³ *Ibid.*

³⁴ Sandra Fredman, *Substantive Equality Revisited*, 14 Int'l J. Const. L. 712, 714–18 (2016), <https://academic.oup.com/icon/article/14/3/712/2454256>; *State of Kerala v. N.M. Thomas*, (1976) 2 S.C.C. 310 (India).

ownership can provide greater autonomy to an individual than has been previously available. However, the loss of collective risk and the potential for exploitation that was historically mitigated by the collective nature of the informal economy will likely be lost if a focus on individual units becomes too strong.

In addition to providing some degree of protection against the risks associated with the informal economy, Self-Help Groups (SHGs) and cooperatives have served to provide other important types of economic and social support to women weavers. Specifically, these organizations have provided the opportunity for women to collectively purchase raw materials and negotiate prices at which they sell their products, thereby reducing the amount of money required to begin and maintain a business.³⁵ These organizations also provide women with access to markets where they can sell their goods.³⁶ Thus, they serve as a buffer between women and potentially exploitative middlemen who would otherwise control the terms of the sale of goods produced by women.

A sole focus on individualized units can result in women being fragmented into isolated market participants who are individually responsible for the full range of market risks including the fluctuation in price of goods and services sold and the costs of producing those goods and services. However, individualized units do not have to be mutually exclusive of collective strength. A hybrid model, one in which individualized units represent the site of production and SHGs/Cooperatives represent the interface between women producers and markets, represents a potentially more robust institutional structure for women producers. Under this type of hybrid model, women are able to retain ownership of the tools and labor used in the production process, while SHGs/Cooperatives can leverage the scale and marketing capacity of the group to create brand identity and negotiate prices with buyers. The hybrid model discussed above reflects the broader scholarly literature regarding collective governance, which argues that autonomy and solidarity can exist simultaneously within common institutional structures.³⁷

Recognition, Legal Standing and the Limits of Inclusion

Earlier sections have shown that the Scheme of 2024 addresses the historical invisibility of

³⁵ *Supra* Note 4.

³⁶ *Ibid.*

³⁷ *Supra* Note 26.

women weavers through artisan registration and identity documentation. This formal recognition is significant, as it enables access to welfare, insurance, and credit, advancing the constitutional value of dignity under Article 21.³⁸ Yet recognition remains conditional and incomplete.

It is to be noted that inclusion is also tied to complying with registration regulations, attending training sessions and producing product at a rate that does not take into consideration the lack of time available to women due to their time poverty situation and unpaid labor. The piece-rate wage system has historically not valued the time spent on pre-looms (e.g., raising silkworms and spinning yarn) that are essential to creating an end-product, but remain invisible and illegal as they are not accounted for in production.³⁹ As many feminist economists have noted, if the formalization process does not recognize the reproductive and preparatory labor involved in production, then it could inadvertently reproduce existing inequalities, rather than provide solutions for them, through legal means.⁴⁰

Therefore, measuring resilience can no longer be done based upon how many ID cards are issued or the number of units created, rather, it needs to be measured based upon whether women's recognition results in substantive increases in their bargaining power, financial security and autonomy, without undermining customary forms of social support. Inclusion of women in industrial production, while requiring them to conform to industry standards, can ultimately become an exclusionary practice under another name.

Cottage Industry and Legal Pluralism

The Eri silk sector is embedded in an environment with multiple levels of normativity (customary, regulatory and market). Thus, the “cottage” industry represents an integrated system that has demonstrated its ability to adapt to changing conditions through time. It is the hybrid nature of the cottage industry i.e., the capacity to incorporate new tools and markets while maintaining customary rhythms and values, that has allowed it to continue to exist.

For the 2024 Scheme to reinforce the hybrid nature of the cottage industry, it should be viewed as a scaffold (to support) rather than a cage (to constrain) these customary systems. Thus, legal

³⁸ *Olga Tellis v. Bombay Mun. Corp.*, (1985) 3 S.C.C. 545 (India).

³⁹ *Supra* Note 25.

⁴⁰ *Ibid.*

identity, financial assistance and market access should all be directed towards supporting the cottage industries' existing practice, rather than replacing them. The formalization process will need to account for the variety of ways in which producers produce their product, formally recognizing collective labor agreements and accommodating seasonal variability. Through this process, the law can serve as a protective "legal armor" that does not force artisans to conform to one way of producing, instead, the law will help to protect customary livelihoods from the inequalities of a global market.

The resilience of the eri silk cottage industry ultimately depends on the State's willingness to engage with customary systems as sources of normative legitimacy rather than as obstacles to development. The 'Meghalaya Sericulture and Weaving Scheme, 2024' holds the potential to bridge tradition and modernity, but only if its implementation reflects a commitment to substantive equality, cultural autonomy, and plural institutional forms. Formalization, when aligned with these principles, can enhance resilience. When divorced from them, it risks hollowing out the very practices it seeks to protect.

Conclusion

Although Eri Silk (or Ryndia) production in Meghalaya illustrates that formalization is not merely a neutral legal action. Rather than simply a legal action, formalization reshapes labor, social relations, and, ultimately, legal visibility. The "Meghalaya Sericulture & Weaving Scheme, 2024" suggests that with women weavers entering the formal marketplace, economic stability will naturally follow. This research finds that formalizing women's entry into the marketplace does not guarantee women's empowerment. Instead, formalizing women's entry into the marketplace generates tensions between market-based regulations and the customary systems that have historically supported women's livelihoods in context of the Ryndia production.

This research further finds that measuring the degree of legal resilience in the eri silk sector, through measures of production, size, and/or increased income, provides no adequate measure of the level of legal resilience in the eri silk sector. The primary indicator of the level of legal resilience, in the eri silk sector, is the ability of customary systems to sustain their core characteristics through absorbing legal change.

Household-based production, the matrilineal transmission of skill, seasonal labor

arrangements, and collective labor are not obsolete practices. These are the fundamental operational principles of the eri silk economy. When law emphasizes individual ownership, consistent output, and efficiency-driven technology, there exists the risk that the structural elements of the eri silk economy will be diminished, and, create new forms of exclusion.

Recognizing women weavers as legal entities in the Scheme of 2024 represents an important step forward. Through registering artisans, providing access to welfare programs, and connecting artisans with markets, the Scheme addresses decades of invisibility associated with artisanal work. However, recognition is incomplete when recognition is contingent upon the production of fixed productivity levels and entrepreneurial aspirations. Women's work remains subject to the constraints of time poverty. Caring for children, tending to agricultural responsibilities, and participating in community activities prevent women from meeting standardized production requirements. These limitations remain unaddressed in both legal and economic evaluations of women's work.

Therefore, the key question is not whether the law will intervene, but rather, in what manner the law will intervene. If law functions as a disciplinary mechanism, then law will force livelihoods to conform to narrow definitions of enterprise and labor. Conversely, if law operates as an enabling framework, then law can function within the existing frameworks of work. In the case of the Ryndia, this would mean that the law must accept flexibility, seasonality, and collective effort as legitimate forms of economic activity.

Ultimately, the long term viability of the eri silk cottage industry will depend upon the state's willingness to regard customary systems as the foundation of legitimacy, not obstacles to development. Therefore, formalization must be designed to build upon customary systems, rather than supplanting them. Ultimately, legal resilience will be realized when the law supports women's autonomy, while continuing to recognize the social and cultural contexts that have permitted the survival of the Ryndia.