



FROM NICHE TO MAINSTREAM: HARNESSING GEOGRAPHICAL INDICATIONS FOR HOLISTIC RURAL DEVELOPMENT IN INDIA

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Abstract

Incredible India's incredibleness is a result of the country's distinctively diverse rural cultures. Every village undoubtedly produces distinctive tangible or intangible goods. Unique physical or intangible goods are today commodities and in high demand among metropolitan residents. Geographical indications (GI) are recognized legal markers that identify the country of origin of certain goods. Over the years, GI has not only helped people connect with authentic items and their ethnic roots, but it has also been extremely important in encouraging rural people to have an entrepreneurial spirit. The GI tag gives the product legal protection and forbids others from using it without authorization. GI tags assist customers in obtaining high-quality goods. A geographical indication right makes it easier for individuals who have the right to use the indication to forbid a third party from using it to market a product that doesn't meet the required standards. The Geographical Indications of Goods (Registration and Protection) Act, 1999, which came into effect on September 15, 2003, is responsible for managing geographic indication registration in India. The purpose of this paper is to examine the significance and scope of geographical indication protection in rural development in India.

Keywords: Rural Development, Geographical Indications, Agri Products, Handlooms, GI Act, 1999.

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I Background and Introduction

A PRIMARY objective of economic development is to alleviate poverty. Within the development discourse, there exists a significant interconnection between the concepts of rural livelihoods, rural poverty, and rural development. It aims to address poverty and enhance welfare in rural regions.¹ Rural development initiatives have increasingly emphasised participatory or bottom-up tactics instead of top-down or supply-driven approaches.² Research has shown that the latter have minimal impact on poverty reduction.³ The concept of rural livelihoods is considered as a foundation for participatory approaches that prioritise local perspectives.⁴ Rural livelihoods, on the other hand, exhibit a dynamic and intricate nature. Rural residents employ a range of livelihood strategies, such as agricultural intensification and extensification, migration, and livelihood diversification, to enhance their well-being and alleviate poverty, by leveraging the resources at their disposal.⁵ There are multiple definitions of sustainable rural development (SRD), which can differ across countries and change over time. In this study, sustainable rural development is defined as the continuous equilibrium between economic growth, social stability, and environmental protection in localised areas, rather than solely focusing on the long-term economic viability of rural areas.⁶ Thus, this study encompasses indicators of sustainable rural development that

¹ S P Jain, "Developing Rural India" 8 *Economic and Political Weekly* 20 (1973).

² Sudesh Kumar Sharma, "Rural Development in India: Programmes, Strategies and Perspectives" 15 *Community Development Journal*, Oxford University Press 2-9 (1980).

³ Md Shahidulla Kaiser, "Are Bottom-Up Approaches in Development More Effective than Top-Down Approaches?" 2 *Journal of Asian Social Science* 91-109 (2020).

⁴ Leo. J. De Haan, "The Livelihood Approach: A Critical Exploration" 66 *Erdkunde* 345-57 (2012).

⁵ *Ibid.*

⁶ Sándor Magda, Róbert Magda and Sándor Marselek, "Sustainable development of the rural economy" 3 *Applied Studies in Agribusiness and Commerce* 5-6 (2009).

encompass various aspects of the economy, society, and environment. The primary focus of this study is the examination of agricultural and handicraft goods and their impact on rural sustainable development. Can GI product manufacturing, processing, and markets contribute to sustainable rural development? The study will consider sustainability-related aspects throughout the entire lifecycle of the product, whenever feasible.

Modern consumers prioritise the quality of their purchases. Consumers are more likely to make purchases if the products meet their standards of quality. From the consumer's point of view, geographical indication (GI) guarantees that a specific product is made using traditional methods and meets the necessary quality standards. As an example, Darjeeling tea, cultivated in the Darjeeling district of West Bengal, is highly regarded for its exceptional quality and distinctive characteristics.⁷ Geographical Indications (GIs) serve as collective property rights that designate the origin of a product to a specific geographic region. GI products are believed to contribute to rural development by highlighting the unique characteristics that are derived from the specific production location. This connection between the products and the land can be beneficial if producers effectively communicate these distinctive traits to consumers. Geographic information (GI) can play a crucial role in the establishment of a strong and reputable brand. Therefore, GI facilitates the construction of adaptable platforms for rural development. The production of the Pochampally Ikat saree takes place in Bhoodan Pochampally, located in

⁷ Kishan Harijan, "History And Heritage Of Darjeeling 'The Queen Of Hills' In India, 1835-1947" 79 *Proceedings of the Indian History Congress* 371-8 (2019).

the state of Telangana in India.⁸ The granting of a GI tag occurred in 2004.⁹ Since then, these sarees have gained significant commercial value. Based on the data from the pre- and post-GI eras, it can be observed that there was a 12% increase in 2009.¹⁰ Furthermore, there has been a 10% increase in employment as a direct outcome.¹¹ The success of local producers in J & K can be attributed to the GI tagging of Kashmir's saffron, hand-knotted carpets, and other products. This enabled them to effectively reach international clients and expand their market for these goods. This article aims to provide a comprehensive analysis of the institutional and legislative framework for GI protection in India, complementing the existing GI policy papers. This study investigates the impact of Geographic Information (GI) on rural livelihoods.

II Law for Protecting Geographical Indications

The WTO's TRIPS Agreement has made geographical indications (GI) protection an important subject in intellectual property rights. According to the TRIPS agreement, a geographical indication (GI) indicates that a product comes from a certain region, which affects its quality and reputation. Geographical indications (GIs) also grant exclusive labelling rights to a town, province, or nation for a product having unique local traits. It identifies a product's territory, location, or locale. This identification is based on the product's geographical origin determining its quality, reputation, or characteristic. TRIPS Agreement Article 22 defines geographical indicator. A GI tag documents a product's

⁸ Ashwathi T.M, "Geographical Indications In India: Major Issues And Challenges" , available at: <http://14.139.185.167:8080/jspui/bitstream/123456789/65/1/LM0219008%20ITL%20.pdf>(last visited on July 15, 2024).

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

provenance. This tag lets producers distinguish their products from competitors by stating their country of origin. It also helps them build brand recognition and goodwill, allowing them to charge more. The Act of 1999 named as Geographical Indications of Goods (Registration and Protection) Act protects Indian GIs. This Act has three goals:¹²

- a. By enacting a country-specific law, producers' geographical indication rights can be protected.
- b. To prevent unauthorised use of geolocation indicators and safeguard consumers from fraud,
- c. To promote Indian Geographical Indication items on international level.

Section 2(1)(e) of the GI Act, 1999 defines a geographical indicator as a marking on items from a specific location with related traits or reputations.¹³ Product features are impacted by its producing location. Indian GIs can service many product categories. The list includes textiles, handicrafts, artworks, drinks, and agricultural and horticultural products. Section 11(1) of the GI Act, 1999 allows any legal association, organisation, or authority to request for registration in writing to the Registrar. Registration of a Geographical Indication (GI) is open to any group or entity that represents interested individuals, producers, organisations, or authorities. The applicant must demonstrate that the product comes from a specific geographic area and

¹² *The Geographical Indications of Goods (Registration and Protection) Act, No.48 of 1999.*

¹³ *Ibid.*

possesses unique qualities, reputation, or other attributes associated with its place of origin.¹⁴

The application for GI registration must be submitted to the Geographical Indications Registry, which was established under the Act.¹⁵ The application should include specific details, such as the name and description of the good, the geographical area of production, the method of production, any unique characteristics, and any other relevant information. The application is carefully reviewed by the Registrar, who may seek input from the public before officially registering the GI. Upon acceptance of the application, the GI is registered and an official certificate of registration is issued to the applicant. The registration is initially valid for 10 years and can be renewed for additional 10-year periods. The registered owner and authorised users have the sole privilege to utilise the registered GI. Registered Geographical Indications (GIs) provide legal protection for their owners, allowing them to take appropriate legal measures against any unauthorised use or misuse of the GI by third parties. The registration acts as strong evidence in any legal proceedings concerning the GI. Registered geographical indications (GIs) have the potential to be licenced or assigned to other parties, provided that specific conditions are met. The registration of a GI can be opposed by any individual within a three-month period after its publication.¹⁶ In specific situations, a registered GI may be removed from the register by either the Registrar or the Appellate Board. These circumstances include when the GI has lost its distinctiveness and has

¹⁴ Nehal Wagle, "Step by Step Guide for registration of Geographical Indication", available at: <https://blog.ipleaders.in/geographical-indication-registration/> (last visited April 10, 2024).

¹⁵ *Ibid.*

¹⁶ *Supra* note 12.

become generic, or when the registered proprietor is no longer actively involved in the relevant geographical area.

Section 21 of the GI Act, results in the following rights to the authorised user/ registered proprietor:¹⁷

“i. The Act grants the registered proprietor of the geographical indication and the permitted user(s) the right to seek redress for infringement, as specified in the Act,

ii. The authorised user is granted the exclusive right to use the geographical indicator for the registered items.

iii. When multiple individuals are authorised users of geographical indications that are identical or nearly identical, none of them will be considered to have the exclusive right to use any of those geographical indications solely based on registration”.

Unregistered users have the option to pursue the remedy against passing off, which can help protect their reputation and goodwill in response to unfair business practices. In an instance of passing off, let's examine the case of Scotch Whisky Association v. Golden Bottling Ltd. The Delhi High Court ruled that "Scotch whisky" is a Geographical Indication (GI) that originates from Scotland.¹⁸ Consequently, the Scotch Whisky Association was granted the authority to initiate a passing off lawsuit against Golden Bottling Ltd for infringing upon their rights. In any legal proceedings, the GI's certificate of registration will be

¹⁷ *Supra* note 16.

¹⁸ “Scotch Whisky GI Suit Settled: The Loss of a Landmark Ruling,” *available at*: <https://spicyip.com/2016/04/scotch-gi-suit-settled-the-loss-of-a-landmark-ruling.html>. (last visited on April 10, 2024).

considered as reliable evidence to establish the authenticity of the GI. Hence, the GI stands as valid without the need for any additional evidence. Not having a certificate of registration does not, however, devoid one of the remedies of passing off given to an unregistered GI.

As per the Act, registered owners or authorised users of a Registered Geographical Indication can sue unauthorised users who falsely claim that their goods come from a different geographic area, misleading the public. Misrepresenting a legally protected geographical indicator is an example of unjust competition. This happens when consumers are misled into thinking products come from a specific place connected with a registered geographic indicator by using a different one. Registered Geographical Indications cannot be transferred or assigned under the GI Act. Geographical Indications are public property owned by the companies making them. It cannot be transferred or assigned through licencing, pledges, mortgages, or similar contracts. Importantly, if the successor in title stays active in the relevant area, they inherit the right of an approved user upon death. The Appellate Board or Registrar of Geographical Indications can remove an indication or authorised user from the registry under certain conditions. In India, the Geographical Indications of Goods (Registration and Protection) Act of 1999 has a noble objective of preserving and promoting the distinct local products and traditions of the country. It also ensures that the rights of producers and consumers are duly protected.

III Nexus Between Rural Development and Geographical Indications

Geographical Indications (GIs) serve as effective tools that establish a strong connection between a product and its geographic

origin, enabling a targeted marketing approach to reach consumers in specific regions. These indications provide valuable advantages for rural populations, by exploring opportunities for growth in remote areas and promoting economic activity in rural areas, ultimately improving the quality of life for local communities. GI protection has the potential to drive rural development by stimulating economic activity and creating job opportunities in the protected industries and their associated sectors.¹⁹ By providing consumers with information about the product's origin and quality, GIs present a viable option for rural development. This helps alleviate the financial burden on farmers by minimising the necessity for extensive technology and advertising investments.²⁰

Research has indicated that the successful conservation and advancement of GI-protected products can significantly benefit rural economies. In the Souss-Massa-Draa Region of Morocco, the sale of argan oil has had a significant impact on the local economy, attracting a growing number of tourists to the area.²¹ In a similar vein, the implementation of GI protection has proven to be a deterrent to rural-to-urban migration.²² This is because it offers significant financial and employment advantages to the protected industry and its associated sectors. Supporting local economies and preserving locally made goods showcases their significant impact on cultural heritage. Empirical

¹⁹ Naresh Kumar Vats, "Geographical indications- The Factors of Rural Development and Strengthening Economy" 21 *Journal of Intellectual Property Rights (JIPR)* 347–54 (2016).

²⁰ Michael Blakeney, "The Role of Geographical Indications in Agricultural Sustainability and Economic Development" 6 *Annals of Agricultural & Crop Sciences* 1069- (2021).

²¹ Bernadette Montanari, Mohamed Handaine and Jamila Id Bourrous, "Argan Oil Trade and Access to Benefit Sharing: A Matter of Economic Survival for Rural Women of the Souss Massa, Morocco" 51 *Human Ecology* 995–1007 (2023).

²² Bilge Senturk and Ummuhan Gokovali, "Geographical Indications: The Aspects of Rural Development and Marketing Through the Traditional Products" 62 *Procedia - Social and Behavioral Sciences* 761–5 (2012).

evidence from regions like Japan and Vietnam has demonstrated the positive impact of GI schemes on agricultural landscapes, traditional ecological knowledge, socio-cultural development, and economic progress.²³

In addition, the significance of GIs goes beyond developed regions, as they can also enhance rural communities in developing regions without relying on shared municipal governance. The safeguarding of a product's name as a geographical indication has been demonstrated to have a positive impact on local economies, by enhancing consumer confidence, raising producer prices, and promoting equitable distribution of value throughout the production chain. Considering the COVID-19 pandemic and its effects on migrant workers, GI products could offer a chance for these individuals to generate income and support rural self-sufficiency. In order to fully harness the advantages of GIs, it is of utmost importance to effectively promote and safeguard these products, thereby preventing counterfeit goods and unlocking the complete potential of geographical indications for the advancement of rural communities.

IV Geographical Indications is in the Agriculture Sector

Out of the 417 registered GI products in India as of 2022, approximately 150 are associated with agriculture.²⁴ States such as West Bengal, Tamil Nadu, Kerala, Nagaland, and Karnataka have made significant contributions to India's agricultural output, elevating the

²³ Ai Tashiro, Yuta Uchiyama and Ryo Kohsaka, "Impact of Geographical Indication schemes on traditional knowledge in changing agricultural landscapes: An empirical analysis from Japan" 68 *Journal of Rural Studies* 46–53 (2019).

²⁴ GI Tagging in Indian Agriculture, *available at*: <https://www.taropumps.com/blog/gi-tagging-in-indian-agriculture> (last visited April 10, 2024).

country's position on the global food map. Products such as Arabica Coffee from Chikmagalur, Seeraga Samba Rice, Cashew from Vengurla, Assam Ginger Karbi Anglong, Mangoes from Banganapalle, and wheat from Bhalia are available. While Basmati rice enjoys global recognition, it's worth noting that Kerala's Wayanad Jeerakasala and Wayanad Gandhakasala rice varieties have also been granted the GI designation.²⁵ In addition, rice varieties from Uttar Pradesh (Kalanamak), Assam (Joha), and Bihar (Katarni) are also available.²⁶

Producers of agricultural products have the opportunity to expand their product offerings beyond common commodities such as rice, coffee, and tea, thanks to the availability of niche markets in various locations. Global actors acquire natural resources and traditional knowledge, thereby removing locally sourced goods from the market for commercial purposes. Origin-based marketing has a rich historical background and holds significant relevance in the present era. This is particularly crucial for local producers who aim to distinguish themselves from national brands. Consumers in rapidly urbanising developing countries perceive products from a specific region or ethnic community as reliable and familiar. The company's reputation is expanding as more retailers and customers recognise the superior quality of these locally sourced products. Research has shown that geographical indications (GIs) have an impact on how consumers perceive the quality of a product.²⁷ GIs communicate two important

²⁵ T. Nandakumar, "gi-tagged rice varieties to get a boost" *the hindu* (thiruvananthapuram, 13 august 2014).

²⁶ Omisha Kannaojiya and Kumari Sunita, "Evaluation Of Aromatic Rice Of India" 11 *World Journal Of Pharmacy And Pharmaceutical Sciences* 103–13 (2022).

²⁷ Adrián Rabadán et al., "Perceptions of geographical indication labels as quality indicators inside and outside the labels' area of influence: the case of spring fruits" 36 *Renewable Agriculture and Food Systems, Cambridge University Press* 569–75 (2021).

qualities of a product: its origin and its commitment to sustainable production practices. If the GI is based on a registration and certification system that allows producers to showcase the quality and history of their products, this becomes especially significant. Manufacturers are duty-bound to maintain product quality by an origin label. The reputation of a product, influenced by the origin label, holds significance for all parties involved in the supply chain.²⁸

In the year 2004-2005, Darjeeling Tea achieved the distinction of being the inaugural product in India to be granted the GI designation.²⁹ Recently, a number of products in India have been granted similar protection. These include Darjeeling tea, Coorg oranges, Nagpur oranges, Mysore silk, Mysore Pak, Basmati rice, Mysore Mallige, Channapatna toys, and more. The significant rise in the domestic price of Darjeeling tea following its grant highlights the economic implications of GI protection.³⁰ Furthermore, there has been an increase in the prices of basmati rice and Thanjavur paintings.³¹ Significantly, there has been an increase in the number of occupations that rely on them. The number of farmers cultivating Nagpur oranges has experienced a significant 50% growth over the last five years.³²

²⁸ Koert van Ittersum, Math J.J.M. Candel and Matthew T.G. Meulenberg, "The influence of the image of a product's region of origin on product evaluation", *available at*: https://ideas.repec.org/a/spr/elcore/v22y2022i2d10.1007_s10660-020-09404-5.html (last visited on July 15, 2024).

²⁹ Suresh C. Srivastava, "Geographical Indications and Legal Framework in India" 38 *Economic and Political Weekly* 4022-33 (2003).

³⁰ The economic impact of geographical indications in India, *available at*: <https://asiaiplaw.com/article/the-economic-impact-of-geographical-indications-in-india#:~:text=The%20economic%20impact%20of%20GI,based%20on%20them%20have%20increased.> (last visited April 11, 2024).

³¹ Phani Kumar Pullela, "GI tag a means to create millions of jobs" 22 *Deccan Herald* 151 (2019).

³² *Ibid.*

The effectiveness of a nation's enforcement capabilities significantly impacts its potential to generate revenue through GI protection. Based on a 2004 analysis conducted by the World Trade Report in India, it was found that the protection of Geographical Indication (GI) had a minimal impact on the price of Darjeeling tea during the period from 1986 to 2002.³³ When a local product is granted the G.I tag, it gains recognition and protection. It acquires value and experiences a significant increase in market value. Having legal protection for a product is crucial as it allows marketers to expand their businesses globally. It provides financial support to producers, enables them to pursue legal action against fraudsters, and safeguards the reputation of the G.I. branded product. In addition, it encourages travel to the product's region of origin, thereby promoting tourism. The G.I. tag provides consumers with information about the product's exclusivity, reputation, and adherence to high standards.

In 2019, the Cashew Export Promotion Council of India (CEPCI) opened the Store at the Goa departure terminal.³⁴ GoI plans to expand its presence by opening new GI shops in more airports. GeM³⁵ Startup Runway, a project initiated by GeM, aims to provide public procurement opportunities and facilitate the sale of innovative goods and services to government customers.³⁶ Startup Runway provides an opportunity for

³³ The economics of Geographical Indications, *available at*: <https://www.lexology.com/library/detail.aspx?g=f9ae3506-1f07-4e09-bd79-52da7887e611> (last visited April 12, 2024).

³⁴ G R Chintala, Gyanendra Mani and Surendra Babu, "GI Tagging of Rural products" *YOJANA*, 2021.

³⁵ The Government e Marketplace serves as an online platform dedicated to facilitating public procurement in India. The initiative was introduced on August 9, 2016, by the Ministry of Commerce and Industry, Government of India. Its aim was to establish a procurement platform that promotes openness and transparency for government buyers.

³⁶ *Ibid.*

entrepreneurs to test the market with government purchasers. Participants can receive valuable feedback within a specific timeframe and gain insights from prospective customers and investors regarding their product, pricing, and market potential. The export policy for India's Foreign Trade Policy (FTP) 2021–2026 aims to boost exports to USD 1.0 trillion by 2025.³⁷ It recognises GI-tagged agricultural products as a key factor in gaining a competitive advantage in buyer-driven international markets. The new FTP aims to support small businesses and farmers through two key initiatives. The first initiative involves the establishment of "District Export Hubs" in each district, along with the creation of district export promotion panels and the development of district export action plans.³⁸ The second initiative focuses on addressing imbalances in India's international trade processes. This will be achieved by improving logistical and utility infrastructure, making it more efficient and affordable, and by working towards reducing construction costs both domestically and overseas.

V Geographical Indications for Handicrafts

The artisanal industry plays a crucial role in driving economic development, boosting employment in rural communities, and safeguarding cultural heritage. The industry supports a significant workforce of approximately 35 lakhs individuals, including a substantial number of women and individuals from lower socioeconomic

³⁷ *Supra* note 36.

³⁸ The Districts as Export Hubs (ODOP-DEH) initiative is a programme implemented by the Government of India with the objective of boosting manufacturing and exports in urban areas. Simultaneously, it seeks to stimulate economic activity in rural areas and foster the growth of new businesses engaged in exporting.

backgrounds.³⁹ Therefore, their capacity to sustain themselves through their artisanal crafts, handwoven fabrics, and pottery craftsmanship has become crucial. The artisans are located in various parts of the country. Various handicrafts and textiles, such as Phulkari embroidery, Mysore silk, Mysore paintings, Tanjore art, Kashmiri pashminas, Channapatna toys, Muga silk, Kanjeevaram silks, and more, have received GI recognition.⁴⁰ As a result, these products have not only gained popularity within India but also enjoy high demand internationally. When these products are exported or purchased by foreign visitors in India, both the artisans and the nation benefit.⁴¹ This allowed impoverished artisans to break free from their suffering and attain a better standard of living, while also enhancing the nation's foreign currency reserves. The positive impact of GI on the artisanal sector serves as a source of inspiration for individuals to continue creating these objects and crafts, thereby safeguarding the area's valuable traditions. General Indication (GI) serves as a unique identifier that facilitates the registration of products in the market. When utilised properly, it can serve as a valuable marketing tool. By safeguarding against counterfeit goods and false representation, this practice provides consumers with accurate and comprehensive details regarding the origin and attributes of products, ensuring their satisfaction and informed decision-making.

Rajasthan is known for its diverse range of handicrafts, which have gained global recognition and a strong brand identity through the

³⁹ Ministry of Textiles, "25,46,285 Women working in Handloom Sector of Textiles Industry" *PIB Delhi*, 2022, *available at*: <https://pib.gov.in/PressReleasePage.aspx?PRID=1806546> (last visited April 12, 2024).

⁴⁰ Ministry of Textiles, Government of India, "A Compendium Indian Handicrafts & Handlooms Covered Under Geographical Indications (GI)," 2017.

⁴¹ Office Of The Development Commissioner (Handicrafts) Ministry Of Textiles, Government Of India, "Guidelines For National Handicrafts Development Programme (NHDP)," 2021.

acquisition of G.I. tags.⁴² Some handicrafts that have been granted GI status include Kota Doria, Blue pottery from Jaipur, Sangneri hand block printing, Thewa art, and Kathputlis from Rajasthan.⁴³ These items have a positive impact on the artisans in Rajasthan, benefiting them socially and economically. Additionally, they contribute to the growth of tourism and cultural development in the state. Due to the influx of tourists to Rajasthan and their interest in purchasing handicrafts with GI tags as souvenirs, the Rajasthani handicrafts and the individuals associated with them have garnered a unique identity, respect, reputation, and global recognition. The introduction of G.I. Tags to Rajasthani crafts not only provided a valuable source of income and meaningful employment for indigenous people, but also bestowed upon them social and cultural influence.⁴⁴ Handicrafts are protected by G.I. Tags, which provide legal protection against infringement by unauthorised parties. Therefore, it safeguards the social and cultural heritage associated with that specific skill, preserving regional values. A number of handlooms in Odisha have recently been granted GI certification. Some examples of traditional textiles from Odisha are the Sambalpuri Bandha saree, Berhampur Patta (Phoda Kumbha) saree and Joda, Bomkai saree and fabrics, Dhalapathar Parda and fabrics, Gopalpur Tussar fabrics, Kotpad handloom fabrics, and Orissa Ikat.⁴⁵ One of the key impacts of GI on Odisha handloom is its significant role in preventing duplication.

⁴² Nat Ram Meena And Krishna Kishor Trivedi, "Impact Of Geographical Indication Tags On Handicraft Industry Of Rajasthan" 7 *Journal Of Critical Reviews* 4894–902 (2020).

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ Chinmaya Kumar Mohapatra, "Legal Protections of Geographical Indications with Specific Reference to Handicraft Goods in Odisha An Empirical Study" (Utkal University, 2016).

Requiring a GI tag ensures that only authentic products can be sold using a specific name, safeguarding the integrity of handlooms against unauthorised usage. The preservation of Odisha handlooms has ensured their authenticity, quality, and exclusivity. This protection from imitation has subsequently led to an increased demand for these goods. The GI certification has significantly enhanced the recognition and desirability of Odisha handlooms in both local and international markets. Handloom manufacturers now have a distinct advantage due to the Geographical Indication (GI) system, which allows them to differentiate their products from similar ones produced in other nations. As a result, the increased demand has provided handloom producers with more opportunities to expand into new markets, drive sales, and enhance their income.

A study commissioned by the Rajasthan Government's Rural Non-Farm Development Agency demonstrated the socioeconomic benefits of a GI stamp for artisans of Kota Doria Sarees.⁴⁶ This particular saree was granted GI classification in 2005, highlighting its commercially advantageous effects for producers. The research revealed a significant increase in the earnings of local weavers due to the implementation of the GI label. According to a survey, a significant majority of weavers (70%) expressed the benefits of GI certification for Kota Doria.⁴⁷ This certification provides customers with assurance regarding the authenticity, origin, and potential value of the product.

⁴⁶ Nidhi Suhag and Neeraj Rawat Sharma, "Assessing the Impact of GI on Kota Doria: Weaver's Viewpoint" 6 *International Journal of Trend in Scientific Research and Development (IJTSRD)* 1313 (2022).

⁴⁷ *Ibid.*

The Tribal Cooperative Marketing Federation of India (TRIFED) plans to collaborate with various Departments and Ministries to facilitate the GI tagging of tribal products.⁴⁸ This initiative, announced by the Ministry of Tribal Affairs, aligns with the broader goals of promoting self-reliance and supporting local businesses. Collaborations are currently underway between the Lal Bahadur Shastri National Institute of Academy (LBSNAA), the Ministry of Culture, the Department of Promotion of Industry and Internal Trade (DPIIT), and the Ministry of Commerce.⁴⁹ The Ministry of Tourism and the Office of the Prime Minister are collaborating to brand and GI Tag tribal handicrafts, with the aim of empowering the tribal artisans. The One District One Product (ODOP) plan in India is a government initiative aimed at promoting traditional and locally produced goods from every district in the nation. The program's objective is to assist local producers, entrepreneurs, and artisans in the creation and promotion of their goods. In addition, the ODOP collaborates with the objective of reaching out to underserved regions within states and identifying products that meet the criteria for GI tags.⁵⁰ The ODOP plan has effectively increased demand for these products, both domestically and internationally, by highlighting their unique qualities and superior quality.

VI Inadequacies in the Existing Legal Framework

The GI law tends to favour larger, well-established producer groups, leaving smaller and more marginalised producers in rural areas

⁴⁸ Ministry of Tribal Affairs, "TRIFED promoted tribal GI products increase to 66 with launch of 7 new GI tagged products from Uttarakhand" *PIB Delhi*, 2021, available at: <https://pib.gov.in/PressReleasePage.aspx?PRID=1774736> (last visited April 12, 2024).

⁴⁹ *Ibid.*

⁵⁰ *Supra* note 40.

at a disadvantage. These producers often face challenges in terms of resources and knowledge when it comes to registering for GI protection and making the most of it. The economic benefits generated from GI-tagged products often end up in the hands of a select few, rather than being fairly shared among all the producers, especially small and marginalised farmers, artisans, and rural communities.⁵¹ Rural areas frequently face the challenge of inadequate infrastructure, including storage facilities, processing units, and market linkages. These crucial elements are necessary for producers to fully leverage the GI status and actively engage in the value chain.

Small-scale producers in rural areas often encounter difficulties in obtaining the necessary financial resources and technical assistance to enhance product quality, packaging, and marketing strategies in order to effectively compete in the market. Comprehensive programmes to enhance the skills and knowledge of rural producers in areas like quality control, branding, and collective organisation are needed. These programmes can empower them to make better use of the GI system. Numerous rural producers, particularly those in isolated regions, have little to no understanding of the GI system and the advantages it offers, which hampers their capacity to engage and make the most of the opportunities it provides. The implementation and governance of the GI system in India frequently lacks transparency and inclusive decision-making processes, which can hinder marginalised rural communities from having a significant say in the process.⁵² The GI law fails to

⁵¹ *Supra* note 50.

⁵² Yashna Walia And Shreya Kumar, “The Success And Failure Of Gi Tag In India: A Critical Analysis Of The Working Of Geographical Indications Of Goods (Registration And Protection) Act, 1999” 1 *E- Journal Of Academic Innovation And Research In Intellectual Property Assets* 232–54 (2020).

effectively connect with wider rural development initiatives and policies, which hinders the potential for synergies and amplified effects. It indicates that the GI law in India should be accompanied by a comprehensive and inclusive approach to rural development. This approach should include specific interventions and support systems to empower smaller producers and marginalised communities in rural areas, enabling them to fully reap the benefits of the GI system.

The GI system frequently falls short in offering personalised assistance and advice that caters to the distinct requirements and obstacles encountered by various rural communities and their conventional production methods. It has a narrow focus on protecting and promoting certain products, rather than fostering diversification and the creation of a variety of GI-tagged products in rural economies. This could limit resilience and income opportunities. Rural producers with GI-tagged products often face difficulties in effectively integrating into larger value chains.⁵³ They encounter obstacles such as uneven market power, limited bargaining ability, and restricted access to lucrative markets. The criteria for obtaining GI registration can be excessively strict, leaving out certain traditional or innovative products created by rural communities, which could hold significant potential for development. It tends to focus on specific regions, neglecting rural areas and traditional production centres that could greatly benefit from the protection and promotion of their distinctive products.

The GI system in India frequently overlooks the social and environmental consequences of its implementation, including its effects

⁵³ Vitória Aparecida Cardoso et al., "The benefits and barriers of geographical indications to producers: A review" 37 *Cambridge University Press* 707–19 (2022).

on marginalised communities, gender equality, and sustainable resource utilisation. Its connection with other frameworks for protecting traditional knowledge and geographical indications is weak, which hampers its overall effectiveness in safeguarding the intellectual and cultural assets of rural communities. These limitations underscore the necessity of adopting a more all-encompassing and inclusive approach to the GI law. It is crucial to prioritise the unique requirements and obstacles faced by rural communities and ensure that it aligns with the broader objectives of rural development in India.

VII Conclusion

The progress of geographical indications (GIs) in India has the potential to transition from a specialised idea to a widely-used tool for comprehensive rural development. Although the current GI law has made some strides in safeguarding distinct local products, there is still much untapped potential in harnessing the power of GIs to empower rural communities and foster inclusive economic growth. To tap into this untapped potential, a multifaceted approach is necessary. A top priority is to enhance the GI framework by implementing efficient processes, increasing awareness, and enforcing regulations. This will guarantee that the advantages of GI protection are effectively delivered to the small-scale producers, artisans, and marginalised communities in rural India. Equally important is the incorporation of GIs with wider rural development schemes and policies. By integrating GI interventions with efforts aimed at developing infrastructure, enhancing capacity, establishing market connections, and promoting social welfare, a harmonious environment can be created to uplift the lives and livelihoods of rural communities.

In addition, it is crucial to adopt a more inclusive and participatory approach to GI governance. This approach should prioritise community engagement and equitable benefit-sharing. By doing so, we can ensure that the positive outcomes of GI-tagged products directly contribute to the overall well-being of rural communities. It is crucial for geographical indications to become a mainstream instrument and be integrated into India's rural development strategy. This will allow the country to fully utilise their potential to improve the lives of millions, protect cultural heritage, and pave the way for a more sustainable and prosperous future for its rural areas.