American Journal of Psychiatric Rehabilitation

Expert Opinion Article

Bridging Legal Frameworks And Grassroots Realities: A Critical Appraisal Of India's Geographical Indications Scheme

Sanskruti Mishra[1*], Dr. Om Prakash kannaujia[2]

[1*]Research scholar, MLS, MATS University, Raipur
[2]Assistant Professor, MLS, MATS University, Raipur

ABSTRACT
The concept of Geographical Indications (GIs) has emerged as a significant form of intellectual property, offering unique branding and legal protection to products intrinsically linked to specific geographic origins. Rooted in international frameworks such as the TRIPS Agreement and the Paris Convention, GIs encapsulate cultural heritage, traditional knowledge, and regional identity. The Indian Geographical Indications of Goods (Registration and Protection) Act, 1999, aims to promote rural development and economic empowerment by safeguarding the identity of goods like Darjeeling Tea or Banarasi Sarees. Despite registering over 400 GIs, disparities persist among Indian states, with many lagging in registrations due to administrative bottlenecks, legal ambiguities, financial constraints, and low public awareness. This paper critically analyses India's GI scheme, highlighting the legal framework, socio-economic implications, and structural challenges. It proposes reforms such as expediting registration processes, enhancing financial and legal support for artisans, regional decentralisation, and integration with tourism and digital marketing. These strategies aim to strengthen GI implementation and ensure equitable benefit-sharing. The GI framework, if inclusively and effectively enforced, can become a catalyst for local innovation, rural upliftment, and global brand recognition of India's rich traditional products.

Keywords: Geographical Indications, Intellectual Property, Traditional Knowledge, Rural Development, GI Protection Scheme

1. INTRODUCTION

Geographical Indications (GIs), much like other categories of intellectual property (IP), have emerged as a critical tool in safeguarding traditional knowledge and preserving cultural heritage. India, known for its socio-cultural diversity and distinct agro-climatic zones, possesses immense potential to leverage GIs for economic empowerment and rural development. If strategically utilized, GIs can offer substantial benefits to local communities and contribute to the broader economic growth of the nation.[i] Despite this potential, disparities remain in how Indian states capitalize on GI protections. While some states have robust portfolios of registered GIs, others have just one or two, revealing socio-economic, legal, and infrastructural gaps that hinder full utilization. The current research seeks to evaluate the challenges confronting India's GI regime, as established under the Geographical Indications of Goods (Registration and Protection) Act, 1999, through analysis of secondary data sourced from official portals such as WIPO, WTO, and IP India, along with literature and empirical case studies. [ii]

The concept of geographical indication was formally introduced under the Agreement on TRIPS. According to Article 22(1) of the TRIPS Agreement (1994), a GI is defined as "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin" (World Trade Organization [WTO], 1994).[iii] GIs are thus a means to link a product's authenticity to its geographical source, ensuring that quality and reputation are preserved. As highlighted in WIPO Magazine, geographical indications have been referred to as the "sleeping beauty" of the intellectual property system, symbolizing their untapped global potential (Höpperger, 2017). In India, two of the most debated cases. Basmati Rice and Darjeeling Tea serve as critical milestones in aligning India's IP regime with global TRIPS obligations. These cases, among others, catalyzed the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999.[iv]

This legislation introduced a robust framework, including:

- Clear definitions of key terms such as "goods," "producer," and "geographical indication"
- Procedures for registration, duration, and renewal of GIs
- Provisions addressing conflicts between trademarks and GIs
- Mechanisms for penalizing unauthorized use and ensuring consumer protection

[1*]Research scholar, MLS, MATS University, Raipur
[2]Assistant Professor, MLS, MATS University, Raipur

The Geographical Indications of Goods (Registration and Protection) Act, 1999 aims to promote rural entrepreneurship, preserve traditional knowledge, prevent misuse of registered Geographical Indications (GIs), and enhance global competitiveness. India has made consistent progress in recognizing and protecting GIs, with a total of 643, with 94.1%) of registered GIs being of Indian origin. By mid-2025, the number rose to 658, with 616 GIs of domestic origin and 42 international GIs. This growth reflects India's emphasis on preserving indigenous intellectual property and fostering rural economies through legal protection of region-specific products. The growing recognition of globally reputed GIs like Scotch Whisky and Colombian Coffee under India's legal system also highlights the importance of the GI framework in India's socio-economic and cultural development strategy. The steady growth in both national and international GI registrations highlights the system's expanding role in trade, branding, and legal harmonisation with global standards.

Table 1 Comparative Analysis of GI Registrations in India (2024 vs 2025)

Year	Total Registered GIs	Indian-Origin GIs	Foreign GIs	% Indian GIs	% Foreign GIs
2024	643	605	38	94.1%	5.9%
2025	658	616	42	93.6%	6.4%

2. INDIA'S GEOGRAPHICAL INDICATIONS ACT: SCOPE AND PROVISIONS

a. Quality Certification and Authentication

The quality certification and authentication are also some of the most important elements of the scheme because only the products matching the specified requirements are able to carry the GI mark. This entails the establishment of high-quality standards and a chain of verifications. This serves the interest of the GI system in law, since it guarantees the integrity of the system to consumers, it saves the consumers against malpractices of false claims and saves the face of GI products. The implementation may entail routine checks, external checks and the creation of regulatory authorities to administer observance.

b. Promotion and Commercialisation

The economic potential of GI products demands promotion and commercialisation. This includes marketing programs, attending trade fairs, and creating market linkages. In legal terms, such an element helps establish exclusive rights of the GI holders whereby they are in a position to license or franchise their products, hence having the ability to make fair compensation for the use of their intellectual property. Examples of implementation strategies are the public-private partnership initiative, e-commerce and the government-backed promotional activities.

c. Awareness and Capacity Building, Including GI Registry

Creating awareness and capacity building is important with a view to educating the producers, consumers, and stakeholders on the importance and the advantages of GIs. These are training programs, workshops and the establishment of a comprehensive GI registry. This helps to promote compliance and minimise cases of abuse legally, as it will advance the level of understanding of the stakeholders. The work on this element should include cooperation with schools and educational facilities, NGOs, and professionals working in the sector to share information and create competencies.

d. Regulations and Enforcement

Compliance and control are the cornerstones of the successful operation of the GI scheme. These include putting legal measures in place for registering, monitoring and enforcement of GIs, which include the punishments for contravention. This is legally binding; therefore, infringement of GI rights is checked, and authentic producers are safeguarded. The implementation has involved establishing special enforcement forces, capacity building of law enforcement agencies and simplification of legal steps that could be followed in resolving disputes.

e. Convergence of Different Schemes

Convergence of different schemes is necessary to create a cohesive policy environment that supports GIs. This involves aligning the GI scheme with other government initiatives in agriculture, rural development, and trade. Legally, convergence ensures that there is no overlap or conflict between different regulatory frameworks, providing a clear and supportive legal environment for GI products. Implementation requires inter-ministerial coordination and the development of integrated policies that consider the various aspects of GIs.

f. Financial Assistance

Financial assistance is crucial for supporting the development and marketing of GI products. This includes grants, subsidies, and access to credit for producers and cooperatives. Legally, financial support mechanisms help in reducing economic disparities and ensuring that the benefits of GIs are equitably distributed. Implementation involves establishing funding schemes, simplifying access to financial aid, and ensuring transparency and accountability in the disbursement of funds.

3. METHODOLOGY

This study adopts a qualitative and doctrinal research design, relying primarily on secondary data. Sources include official databases such as WIPO, WTO, IP India, and the Geographical Indications Registry, along with legislative texts, judicial decisions, and peer-reviewed literature. A comparative analytical framework has been employed to examine disparities in GI registrations across states, categories, and legal interpretations. Case studies such as Darjeeling Tea, Basmati Rice, and Bastar Handicrafts provide empirical grounding. The approach combines legal analysis with socio-economic perspectives to identify structural gaps and propose reforms, ensuring a holistic evaluation of India's Geographical Indications framework.

4. DATA ANALYSIS AND CRITICAL GAPS

The Geographical Indications Act of 1999 serves India by accomplishing the three mission points stated in the introduction. The Geographical Indications Act of 1999 contains several fundamental problems which require improvements according to the specifics provided in the following explanation.

a. Disparity among different states in registering GIs

The comparative analysis of GI registrations across Indian states reveals a stark disparity in regional participation, with a handful of states leading overwhelmingly. Karnataka (228), Tamil Nadu (177), Maharashtra (152), Uttar Pradesh (151), and Kerala (123) dominate the GI landscape, collectively accounting for over half the total GIs registered in India. These states have shown a strong institutional push, active stakeholder engagement, and robust identification of region-specific products across agricultural, handicraft, and manufactured sectors. In contrast, Chhattisgarh has only 7 registered GIs as of July 2024. This is significantly low compared to similarly endowed or even smaller states. For example:

- Odisha, with a comparable socio-cultural and tribal heritage, has 74 GIs.
- Madhya Pradesh, with adjoining agro-climatic zones, has 45 GIs.
- Even smaller north-eastern states like Arunachal Pradesh (18) and Assam (30) have registered more products under GI protection.

The underperformance of Chhattisgarh is particularly noteworthy given its rich cultural traditions, unique tribal handicrafts (e.g., Bastar Dhokra, Bastar Wooden Craft), and distinctive agricultural products like Jeeraphool and Nagri Dubraj rice all of which are already registered but represent only the tip of the potential iceberg. This disparity suggests a combination of institutional gaps, lack of awareness among producers, absence of organized marketing channels, and minimal governmental push in GI facilitation within the state. For a state like Chhattisgarh where local identity, tribal knowledge systems, and traditional production methods are deeply embedded in the social fabric GI tagging presents not just a branding opportunity, but also a tool for rural economic development, cultural preservation, and empowerment of artisan communities. Therefore, there is an urgent need for targeted policy interventions, state-level GI facilitation centres, capacity-building among producer groups, and documentation of potential products in Chhattisgarh. With focused efforts, the state can bridge this gap and leverage its unique heritage in the GI framework transforming what is currently a missed opportunity into a strategic strength.

Table 2: Registered GI Counts by Indian State/Region

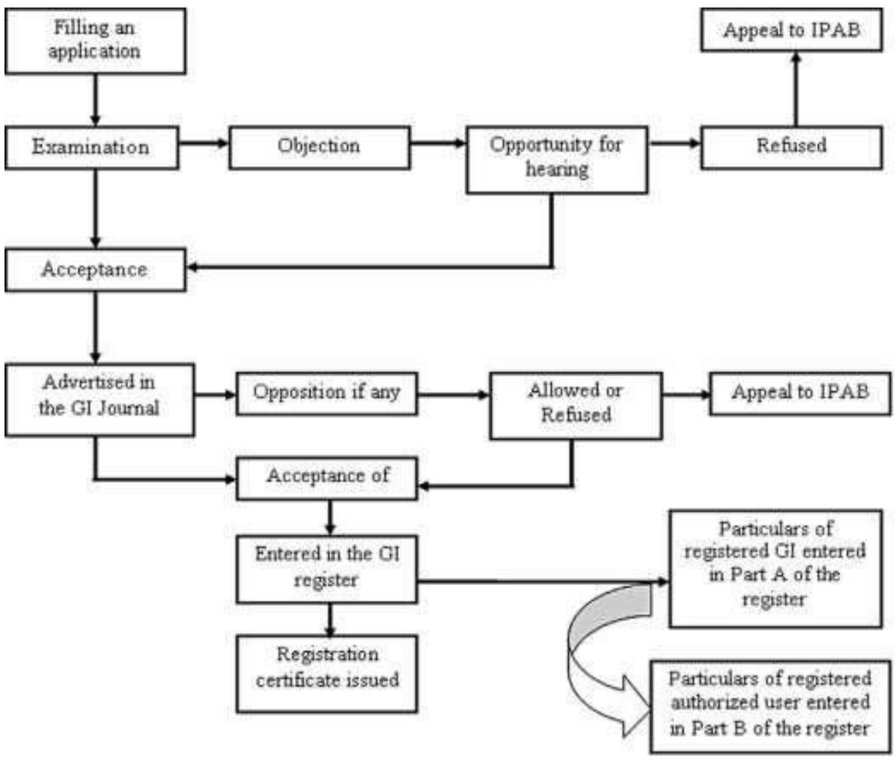
State/UT	No. of GIs Registered
Karnataka	228
Tamil Nadu	177
Maharashtra	152
Kerala	123
Uttar Pradesh	151
West Bengal	65
Andhra Pradesh	20
Odisha	74
Gujarat	50
Telangana	18
Rajasthan	50

State/UT	No. of GIs Registered
Madhya Pradesh	45
Assam	30
Himachal Pradesh	13
Jammu & Kashmir	22
Chhattisgarh	**7**
Mizoram	9
Manipur	6
Nagaland	6
Arunachal Pradesh	18
Goa	11
Meghalaya	6
Puducherry	2
Jharkhand	1
Sikkim	1
Tripura	4
Uttarakhand	24

Insights into Disparity:

- **Top Performers**: Karnataka (228), Tamil Nadu (177), Maharashtra (152), and Uttar Pradesh (151) dominate the GI registration space.
- **Moderate Registrants**: Odisha, Kerala, Gujarat, Rajasthan, and West Bengal show substantial but comparatively lesser registrations.
- **Low Participation States**: States like Jharkhand, Sikkim, Puducherry, Tripura, Meghalaya, Nagaland, and Manipur have very few GIs, indicating policy, awareness, or institutional capacity gaps.
- **Emerging Regions**: States from the Northeast and newly carved UTs like Ladakh show rising trends but still remain underrepresented.

The flow chart shows all the complexities which emerge throughout the numerous processes that run from filing the first draft to receiving the registration certificate.[v]



Source: Geographical Indication Registry office (India Official IP Website, 2022a)

b. Disparity in the percentage of GI Categories

A critical examination of India's GI landscape reveals a marked disparity in the distribution of registered GI products across categories. As of May 2025, Handicrafts constitute the largest category, accounting for over 56% of total GI registrations in India, followed by Agricultural products at around 30%, while the remaining 14% is split between Food Stuff, Manufactured, and Natural goods (Controller General of Patents, Designs and Trade Marks [CGPDTM], 2025). This skew reflects not only the historical and artisanal richness of India's cultural geography but also the low barrier to entry and community-based nature of handicraft GI applications, particularly from states like Karnataka and Tamil Nadu. In contrast, manufactured goods and natural products which require higher levels of industrial organization, documentation, and technical scrutiny remain marginally represented, despite their export potential. The category-wise imbalance suggests that while GI registration has evolved as a cultural protection mechanism, its economic utility for industrial or processed goods remains underexplored (IP India, 2024). This calls for a reassessment of GI facilitation strategies to expand beyond traditional arts and agriculture, and support innovation-driven sectors through the GI mechanism.

c. Problem of Genericide

A significant legal obstacle is the stipulation icluded in Section 9 of the Act, which adheres t TRIPS provisions, granting the nation the exlusive authority to ascertain whether a particular geographical name has become a generic word. GI Act prohibits the registration of GI which are(Geographical Indication Act, 1999, s.9) -

- identified as generic names or indications of the products or
- which are not protected or have ceased to be protected in their country of origin, or
- which are no longer in use in that country

Once a GI becomes generic, it returns to the public domain. It is precluded from receiving protection in its country of origin if it has been abandoned or is no longer in use there. (Geographical Indication Act, 1999, s.9, Explanation I & II)

d. Economic and Technical Challenges

India and other developing nations need financial and technical assistance in order to promote their goods on the global market. This is necessary in order to guarantee the long-term viability of the GI. The most significant problem in India is that merchants take the bulk of the commercial or financial advantages provided by the Geographical Indication, in contrast to the producers who possess the true ownership of the product.[vi] There have been a few cases, such as the Lucknow Chikankari and the glassware from Firozabad, that have made it abundantly evident that just registering a geographical indication would not assist in the preservation and development of the trade, nor would it provide any visible advantages to the artisans.[vii] A typical artisan or rural producer may struggle to finance the necessary approach to deliver GI goods to the global market, which requires significant time, patience, and financial pressure. This includes monitoring self-GI systems and paying for legal services offered by IP businesses to monitor instances of infringement. States have incurred significant costs for legal action to protect their GIs from infringement, such as the Darjeeling Tea Board and Pochampally Handloom Weavers Co-op Society Ltd., which have resulted in significant financial burdens to pursue legal battles against various instances of infringement. [viii]

e. Social Challenges

In India, the lack of awareness of GI Laws is a fundamental societal concern that has to be addressed. In spite of the fact that the Government of India passed the Geographical Indications Act in the year 1999, a significant number of rural producers and ordinary artisans are still unaware that their skilled items or output are eligible for protection. Regarding the process of seeking and obtaining GI protection, they are completely ignorant. If another individual is utilising and misrepresenting their GI, they have even less information because of this. They are unable to comprehend the treatment that is accessible to them to prevent such exploitation. After additional investigation, it was discovered that there is a significant gap in the registration status.

f. Geographical Challenges

Numerous disputes are emerging over the precise determination of the product's region or origin. It is particularly identified in agricultural items and commodities, since the same product may be produced or cultivated in many regions, leading to complications. Numerous nations possess geographical indications for Basmati rice. Unfortunately, in contrast to other intellectual property offices for trademarks and patents located in several locations, the Copyright and Geographical Indications office is located in a single location. The Copyright Office is based in Delhi, whereas the Geographical Indications Registry Office is exclusively located in Chennai. The Government of India has launched an online site for intellectual property services. Similar to other types of intellectual property, we may apply for geographical indications online. However, this reality complicates matters for producers from distant regions when attending individual hearings, whether at the examination stage or during opposition, since it necessitates travel to the register office in Chennai.

5. DISCUSSION

The critical appraisal of India’s GI regime reveals the paradox of a strong legislative framework on paper coexisting with uneven implementation and limited grassroots impact, raising important questions about the balance between international compliance and domestic inclusivity. While the Geographical Indications of Goods (Registration and Protection) Act, 1999, positions India as a proactive player aligned with TRIPS obligations, the persistence of state-wise disparities, category imbalances, and weak enforcement mechanisms underscores the gap between legal recognition and socio-economic outcomes. The success stories of Karnataka or Tamil Nadu, which have strategically leveraged their institutional capacity to secure large numbers of GI registrations, highlight how robust state-level facilitation, active producer associations, and government backing can turn the GI tag into a viable tool of rural development and cultural branding. In contrast, states like Chhattisgarh, despite their wealth of indigenous products, lag significantly, which not only exposes the absence of institutional outreach but also demonstrates that legal frameworks without accessible facilitation mechanisms remain largely ornamental. India's GI regime, despite being effective as a cultural protection mechanism, has not fully utilized its economic potential for industrial and processed goods, limiting its capacity to use GIs for export diversification. The challenge of genericide and high litigation costs in cases like Darjeeling Tea and Pochampally Ikat further disadvantaged artisans and small producers in asserting their rights. Social barriers, such as lack of awareness, illiteracy, and digital exclusion, also restrict rural artisans from harnessing the benefits of GI protection. Strengthening the ecosystem requires a shift from focusing on registration numbers to building a supportive infrastructure that integrates financial assistance, capacity-building, regional facilitation centres, and convergence with tourism and digital marketing. The GI framework must be reframed as a socio-economic tool of empowerment, capable of redistributing value chains to artisans, preserving cultural identity, and positioning India's traditional products as globally competitive brands. This recalibration can bridge the gap between legislative intent and grassroots realities, ensuring that the law translates into tangible benefits for the communities it was designed to protect.

6. EXPECTED OUTCOMES

The passing of the GI Act in India has been one of the major steps in ensuring that the communities involved in products that are identified to have a geographical association are well represented, and at the same time, enhancing the growth of the nation economically. The law provides some form of protection to goods that are associated with certain geographical locations, hence leading to the conservation of traditional knowledge and practices. Even with this forward move, there is a lot of difference in the spread of registered GIs across different states. Individual states like Karnataka, Tamil Nadu, Uttar Pradesh, Maharashtra, Kerala and West Bengal have been performing well when it comes to getting the GI registrations, especially in the categories including handicrafts and agricultural products. Compared to this, however, it is apparent that some other states are still at the back in terms of harnessing this mechanism of legislation. Obstacles that limit the appropriate execution of the GI Act are multi-dimensional. One of the biggest problems is that marketing of GI-tagged goods will be expensive in the international markets, and it will be very expensive to carry out surveillance of the various instances of infringement undertaken. Even though the government's embrace of Digital India has given opportunities to the local artisans to display their products on international markets without the involvement of intermediaries, the effects have not been overwhelming. Most of the artisans and producers, especially the ones in the countryside, lack access due to shortcomings like illiteracy and digital illiteracy, which do not allow them to utilise these opportunities fully.

7. RECOMMENDATIONS

To address these challenges and enhance the efficacy of the GI Act, the following recommendations are proposed:

1. Financial Support for Artisans and Producers

Among the other major challenges that artisans and producers have to endure is the financial aspect that comes with advertising and defending their GI products. To reduce these expenditures, the government ought to offer export subsidies to economically disadvantaged producers. This kind of financial help would enable them to keep up the competition in the international markets and, at the same time, would help them to protect their GI rights. Also, the non-governmental organisations (NGOs) and other non-profit making organisations could be lured to play a role in the GI-tagged products after registration, branding and marketing through providing financial and non-financial assistance.

2. Streamlining the Registration Process

The other significant hurdle which artisans and producers must go through is the monetary cost which accompanies advertising and protecting their GI products. The government should provide export subsidies to the poor producers and those who are poor in terms of the economy. In a bid to minimise such expenditures. Such financial assistance would also allow them to maintain the competition in the foreign markets and, conversely, it would also allow them to defend their GI rights. The non-governmental organisations (NGOs) and other non-profit making organisations would also be tempted to contribute to the GI-tagged products after registration, branding and marketing by giving financial as well as tokens of appreciation.

3. Integrating GI Marketing with Tourism

State governments have taken noble steps to blend the marketing of GI products and tourism. The given strategy will not only promote GI goods but will also contribute to the economic development of local communities due to the influx of tourists interested in regional products. Nevertheless, these initiatives are restricted to places where civil societies are vibrant and well informed. Extension of the programs into less-developed provinces and states that are underrepresented in GI marketing would entail increased awareness and involvement with GI marketing. This approach can also be enhanced through collaboration with tourism departments, local governments and community organisations.

8. CONCLUSION

Geographical Indications (GIs) represent a crucial intersection of law, economy, culture, and rural development. In India, the adoption of the Geographical Indications of Goods (Registration and Protection) Act, 1999, was a progressive legislative step aligning with international commitments under the TRIPS Agreement. It aimed to protect the unique qualities and reputation of region-specific goods while fostering economic opportunities for indigenous producers. However, the implementation of this legislation continues to face several critical challenges i.e legal, administrative, economic, and socio-cultural. There exists a marked disparity among Indian states in terms of GI registration and utilisation, with some regions dominating the registry while others remain underrepresented. The reasons include a lack of awareness, limited access to legal or institutional support, and burdensome procedural formalities. Financial constraints also inhibit small-scale producers from leveraging GI protections effectively, particularly in terms of marketing and legal enforcement. Further, genericide, limited geographical outreach of registry offices, and the absence of integrated policy support remain key hurdles in realising the full potential of GIs. Nonetheless, the GI regime holds immense promise. If strategically implemented through decentralisation of registration offices, streamlined procedures, financial assistance, awareness campaigns, and inter-ministerial coordination, GIs can become powerful tools for rural empowerment, traditional knowledge preservation, and economic branding. Integration of GI marketing with tourism, digital platforms, and global trade initiatives can significantly amplify its outreach and economic returns. In the future, a more inclusive and facilitative GI ecosystem must be built such that it equitably benefits both artisans and consumers. The success of this regime lies not just in legal recognition but in socio-economic upliftment and cultural continuity. A robust, transparent, and supportive GI framework can transform India's traditional heritage into an enduring asset on the global intellectual property map, ensuring sustainable development anchored in identity, quality, and origin.

Reference :

[i] Blakeney Michael, (2017).Geographical Indications and Traditional Knowledge, 50(1) Q.J. INT'L TRADE L. & POL'Y 162

[ii] Cardoso Hugo (2022).et al., Protection of Geographical Indications in Emerging Economies: Lessons from India, 19(3) WIPO J. 707

[iii] Glogovețan Andreea (2022).et al., Historical Evolution and Current Perspectives of Geographical Indications as Intellectual Property Rights, 10(8) SUSTAINABILITY 1667 (2022).

[iv] Rawat Nupur & Saini Youkta,(2020). Understanding the Role of GI Tags in Indian Trade: A Study on Basmati and Darjeeling, 11(3) Int'l J. Trade & Global Bus. Persp. 103

[v] Ghosh Sandeep, (2024). Unpacking India's GI Registration Framework: Legal Hurdles and Bureaucratic Gaps, 28(1) Indian J. L. & Tech. 12

[vi] Chaturvedi Sachin, (2019). Commercialization of GIs: Who Really Benefits?, 16(4) J. WORLD INTELL. PROP. 1

[vii] Verma Neha, (2016). Fragmented Crafts and Legal Protection: The Chikankari Challenge, THE ECONOMIC TIMES

[viii] B. Prathap & G. Sreelaksmi, (2022). Infringement and Enforcement of Geographical Indications in India: A Case-Based Study, 22(2) INDIAN J. INTELL. PROP. L. 176