

GEOGRAPHICAL INDICATIONS AND INDIA'S INDIGENOUS PRODUCTS: A CRITICAL APPRAISAL OF THE GI ACT, 1999 THROUGH DARJEELING TEA, BANARASI SAREES, AND BASMATI RICE

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Abstract: *Geographical Indications (GIs) represent a distinctive form of collective intellectual property linking goods to their territorial and cultural origins. India enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999, to comply with its obligations under the TRIPS Agreement and to safeguard its rich heritage of indigenous products. This paper critically appraises the effectiveness of the GI Act through the lens of three carefully selected case studies representing distinct dimensions of the Indian GI landscape: Darjeeling Tea (robust institutional success), Banarasi Sarees (symbolic recognition without grassroots empowerment), and Basmati Rice (geopolitical complexity of transnational heritage). Using a doctrinal legal method supplemented by comparative analysis of the European Union's PDO/PGI regime and qualitative evaluation of government and institutional reports, the paper demonstrates that while the GI Act provides a legally sound framework, its practical effectiveness is severely constrained by weak post-registration enforcement, limited producer awareness, and inadequate institutional support outside a few well-resourced sectors. Three targeted reforms are proposed: mandatory post-registration institutional support funds, judicial fast-tracking of GI infringement suits, and bilateral treaty-based international GI enforcement. The paper concludes that law reform alone is insufficient; GI effectiveness in India requires systemic investment in producer capacity, market linkage, and international engagement.*

IndexTerms — *Geographical Indications; GI Act 1999; TRIPS; Darjeeling Tea; Banarasi Sarees; Basmati Rice; Traditional Knowledge; Biopiracy; EU PDO/PGI*

1. Introduction

Intellectual Property Rights (IPR) have emerged as the legal backbone of knowledge-based economies, ensuring that the creative and innovative outputs of individuals and communities receive formal recognition and protection. Among the different forms of IPR, Geographical Indications (GIs) occupy a unique position because they link goods to their geographical origin and confer legal protection on traditional knowledge, cultural identity, and local reputations. Unlike patents or trademarks that are typically tied to individual inventors or companies, GIs protect community-based heritage products, embodying a collective form of intellectual property (Das, 2010).

In the Indian context, GIs are of profound importance. India is home to a rich tapestry of traditional goods that derive their identity from specific territories — whether agricultural produce such as Darjeeling Tea and Basmati Rice, or handicrafts like Banarasi Sarees and Mysore Silk. These products are not only cultural markers but also constitute significant contributors to rural livelihoods, exports, and the preservation of artisanal traditions (Mukherjee, 2020). Recognising this importance, India enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999, which came into force in 2003, creating a formal legal regime for registering and protecting GIs in compliance with the TRIPS Agreement.

This paper investigates the effectiveness of India's GI Act in safeguarding indigenous products, with special reference to Darjeeling Tea, Banarasi Sarees, and Basmati Rice. These three case studies have been selected because they represent analytically distinct dimensions of the GI landscape: Darjeeling Tea as a

relatively successful example of institutionally-backed international enforcement; Banarasi Sarees as a case where cultural recognition has not translated into economic empowerment; and Basmati Rice as a contentious example of transnational disputes and definitional controversies. The central research question is: How effective is the GI Act, 1999 in protecting and promoting India's indigenous products? The objectives are threefold: to evaluate the Act's legal protection and enforcement mechanisms; to analyse the socio-economic impact of GIs on stakeholders; and to examine case-specific challenges and policy gaps.

2. Literature Review

Scholarly attention on GIs in India has expanded significantly after the GI Act came into force in 2003. Das (2010) provides the foundational analysis, highlighting both the opportunities and challenges GIs present in a developing country context, and stressing that while GIs may enhance export competitiveness, their benefits often fail to reach marginalised producers. Rangnekar (2004), in a study for UNCTAD-ICTSD, situates GIs within a broader political economy of rural development and argues that the distributive potential of GIs depends critically on organisational capacity among producer communities — a finding borne out by all three case studies examined in this paper.

The gap between legal recognition and practical benefit is a recurring theme in Indian scholarship. Mukherjee (2020), studying the handloom sector, argues that GI tags are often 'symbolic victories' with limited tangible outcomes because artisans remain unaware of their rights and face market competition from counterfeit products. Similarly, Singh (2018) demonstrates that for Banarasi Sarees, registration alone has not stopped imitation by cheaper machine-made products from Surat and other centres. Bhutani (2016) critiques the Indian GI regime for focusing too heavily on registration and too little on post-registration enforcement and market linkage, though the precise publication details of this source remain to be verified (see References).

Internationally, the EU's PDO/PGI regime under Regulation (EU) No. 1151/2012 is the benchmark comparator. The EU system emphasises quality control, certification, and consumer awareness, transforming products such as Champagne and Parma Ham into globally protected brands (WIPO, 2017). Gangjee (2017) has analysed the legitimacy foundations of GI monopolies in the EU and WTO systems, identifying the tension between producer monopoly and consumer access as the central unresolved problem. His framework — which distinguishes between GIs as quality signals versus GIs as origin markers — informs the comparative analysis in Section 8 of this paper.

The literature on international GI disputes — particularly the RiceTec controversy over Basmati Rice and the India-Pakistan contest in the EU — highlights the geopolitical dimensions of GIs, extending well beyond cultural identity to trade diplomacy and global food security (UNCTAD, 2020). This geopolitical dimension is insufficiently theorised in Indian legal scholarship, which tends to treat GIs primarily as domestic intellectual property instruments rather than as sites of international norm contestation.

3. Methodology

This study employs a doctrinal legal method, a standard approach in jurisprudential scholarship that involves systematic analysis of primary legal texts — statutes, international agreements, and judicial decisions — alongside authoritative secondary literature, to identify the legal principles and institutional frameworks governing a particular domain (Twining, 2009). The doctrinal dimension of this study involves close reading of the Geographical Indications of Goods (Registration and Protection) Act, 1999, the TRIPS Agreement (Articles 22–24), the Convention on Biological Diversity (1992), and the European Union's Regulation (EU) No. 1151/2012 on quality schemes for agricultural products. Case law analysis draws on available Indian High Court decisions and international dispute settlement records.

The doctrinal method is supplemented by qualitative evaluation of institutional documents — GI Registry records, Tea Board of India reports, APEDA annual reports, and WIPO case studies — and by structured comparison with the EU's PDO/PGI regime. The comparative method is employed not to transplant EU solutions wholesale into the Indian context, but to identify specific institutional mechanisms whose underlying logic may be adapted to Indian conditions, taking account of differences in producer organisation, administrative capacity, and market infrastructure.

Case study selection follows an explicit criterion of analytical triangulation: the three selected products — Darjeeling Tea, Banarasi Sarees, and Basmati Rice — each represent a distinct institutional and geopolitical context for GI protection. Darjeeling Tea provides a case of strong institutional backing by a statutory body (the Tea Board); Banarasi Sarees provides a case of weak institutional support where the producer community itself bears primary responsibility for enforcement; and Basmati Rice provides a transnational case where domestic GI registration interacts with competing international claims. Together, these three cases allow the paper to test the GI Act's effectiveness across its full range of application rather than relying on a single illustrative example. The limitation of this approach is that all three products are economically significant and internationally recognised — the paper does not evaluate the GI regime's performance for lesser-known registered GIs, which may represent a different set of challenges.

4. Theoretical and Legal Framework

4.1 Definition and Scope of Geographical Indications

The TRIPS Agreement (1994) defines GIs 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' (Art. 22.1). Unlike trademarks, which distinguish goods of one enterprise from another, GIs protect collective heritage tied to territory, culture, and natural resources. The theoretical justification for GI monopolies rests on two distinct rationales: a consumer information rationale (GIs prevent deception about origin) and a producer incentive rationale (GIs reward communities that maintain quality standards associated with specific origins). Gangjee (2017) argues that these two rationales generate different policy implications — the information rationale favours broad registration with light enforcement, while the incentive rationale demands stringent quality control and active post-registration monitoring.

4.2 Key Provisions of the GI Act, 1999

Registration Procedure (Sections 6–17): A GI can be registered by any association of persons or producers representing the interest of the product. Applications must demonstrate the product's link to the geographical region and its distinctive qualities. Rights Conferred (Sections 21–24): Registered proprietors and authorised users obtain the right to seek legal remedies against infringement, including injunctions, damages, and delivery-up of counterfeit goods. Infringement and Penalties (Sections 22 and 39): Unauthorised use of a registered GI, or misrepresentation that a product originates from a registered region, constitutes infringement, punishable by fines and imprisonment. Duration and Renewal (Section 18): Registration is valid for ten years and is renewable indefinitely. Prohibition of Assignment (Section 24): Unlike trademarks, GIs cannot be licensed or assigned to entities unrelated to the geographical region, preserving the communal nature of the right.

4.3 India's International Obligations

India is a signatory to the TRIPS Agreement, which mandates minimum GI protection standards under Articles 22–24. TRIPS Article 23 provides 'additional protection' for GIs on wines and spirits, requiring prevention of use even where the true origin is indicated. India has consistently advocated for extending this additional protection to agricultural goods such as Basmati Rice, Darjeeling Tea, and Banarasi Sarees — a position supported by other developing countries but resisted by developed nations with strong agricultural export interests (Das, 2010). The CBD (1992) and Nagoya Protocol (2010) provide a parallel normative framework emphasising Access and Benefit-Sharing, relevant to agricultural GIs with traditional knowledge dimensions.

4.4 Institutional Framework

The GI Registry is headquartered in Chennai under the Controller General of Patents, Designs, and Trade Marks (CGPDTM), Ministry of Commerce and Industry. The Department for Promotion of Industry and Internal Trade (DPIIT) plays a central role in policy oversight. Sector-specific bodies — the Tea Board of India for Darjeeling Tea and the Agricultural and Processed Food Products Export Development Authority (APEDA) for Basmati Rice — act as nodal agencies. International enforcement requires cooperation with WIPO and bilateral trade agreement partners. The institutional asymmetry between these well-resourced

sectoral bodies and the fragmented producer associations responsible for products like Banarasi Sarees is a central explanatory variable for the divergent outcomes examined in the case studies that follow.

5. Case Study 1: Darjeeling Tea

5.1 Historical and Cultural Background

Darjeeling Tea is among India's most celebrated products with global recognition. Cultivated in the Himalayan foothills of West Bengal, it is often described as the 'champagne of teas' because of its distinctive muscatel aroma and flavour derived from unique agro-climatic conditions. Tea cultivation in Darjeeling traces to the 1830s under British colonial administration, and by the late nineteenth century Darjeeling had become a premier export hub symbolising luxury and exclusivity. Its reputation also made it vulnerable to misappropriation — teas grown outside Darjeeling, particularly in Nepal, were frequently sold under the 'Darjeeling' label, eroding authenticity and damaging producer livelihoods (Das, 2010; WIPO, 2017).

5.2 GI Registration and International Protection

Darjeeling Tea holds the distinction of being the first product registered as a GI in India (2004) under the GI Act, 1999. The registration covered both the word mark 'Darjeeling' and a logo depicting a woman holding tea leaves, creating a dual layer of protection. The Tea Board of India was designated as the registered proprietor, acting on behalf of producers and exporters across 87 tea estates in the Darjeeling district. Only tea grown and processed within these estates qualifies as authentic Darjeeling Tea (Tea Board of India, 2022).

Internationally, the Tea Board pursued registration in multiple jurisdictions. In the European Union, Darjeeling Tea was registered as a Protected Geographical Indication (PGI) under EU GI No. PGI-IN-0569 in 2011, pursuant to EU Regulation No. 1151/2012 on quality schemes for agricultural products. It is important to note that Darjeeling Tea holds PGI status in the EU, not Protected Designation of Origin (PDO) status — a legally significant distinction, as PDO requires all stages of production to occur within the designated geographical area, whereas PGI requires only that at least one production stage occurs there. Registrations were also secured in Japan, Russia, Canada, and several other jurisdictions, enabling legal recourse against misuse abroad.

5.3 Enforcement Mechanisms

The Tea Board developed a multi-layered enforcement strategy combining licensing, traceability systems, and international legal action. Exporters of Darjeeling Tea must obtain Tea Board licences, ensuring only authentic producers are authorised to use the GI mark and enabling supply-chain traceability through recorded export quantities. The Tea Board implemented a Darjeeling Tea Certification Scheme using barcodes and digital tracking to certify each package, providing a model for GI traceability internationally (Tea Board of India, 2022). In the United States, the Tea Board registered the Darjeeling word mark and logo as certification marks with the USPTO, providing an additional basis for civil enforcement against domestic misuse. The Tea Board has also pursued enforcement actions in several European jurisdictions against tea blenders marketing non-Darjeeling teas under the Darjeeling label, leveraging its EU PGI registration and bilateral trade channels (Tea Board of India, 2022).

5.4 Challenges in Enforcement

Despite these achievements, Darjeeling Tea faces persistent challenges. Cross-border misuse by Nepalese producers sharing similar agro-climatic conditions is the most significant: Nepal is not bound by India's GI protections, and bilateral legal remedies remain limited. Within India, enforcement at retail levels is weak — counterfeit Darjeeling Tea circulates widely in domestic markets without effective regulatory crackdowns, undermining consumer trust. The Tea Board faces coordination difficulties with hundreds of smallholders, whose awareness of GI rights remains low and whose economic vulnerability from climate change, labour unrest, and demand fluctuations the GI tag alone cannot address (Mukherjee, 2020; UNCTAD, 2020).

5.5 Socio-Economic Impact

GI registration has had mixed distributional outcomes. Authentic Darjeeling Tea commands premium prices in international markets — sometimes double or triple that of regular teas — and the brand's global status has created opportunities for niche marketing and tea tourism in the Darjeeling region (Tea Board of India, 2022). However, benefits are unevenly distributed: large estates and exporters capture most of the

premium, while smallholder workers often remain unaware of the GI tag and have not seen proportionate wage improvements (Singh, 2018). The Darjeeling Tea case thus simultaneously demonstrates the GI Act's potential and its distributive limitations.

6. Case Study 2: Banarasi Sarees

6.1 Historical and Cultural Significance

Banarasi Sarees are among India's most iconic handloom products, renowned for their intricate brocade weaving, use of gold and silver zari, and cultural association with weddings and festivals. Rooted in Varanasi, these sarees embody centuries-old artisanal traditions blending Mughal and Hindu influences. The saree is not merely a garment but a representation of India's intangible heritage, woven into social rituals and intergenerational artisan knowledge. Yet despite its cultural prestige, the sector faces serious structural threats: mechanisation, competition from power looms in Surat and counterfeit imports from China, and declining demand among younger consumers for high-value handloom products (Singh, 2018).

6.2 GI Registration

Banarasi Sarees were registered as a Geographical Indication in 2009 under the GI Act, 1999. The registration was granted covering sarees, brocades, and related handloom products, specifying the unique weaving techniques (such as the kalga and bel designs) and geographical attributes tied to the Banaras region. Registration was widely hailed as a major victory for weavers, expected to curb imitation and restore market authenticity (Bhutani, 2016).

6.3 Enforcement Challenges

Despite GI recognition, enforcement has been largely ineffective. Counterfeit Banarasi-like sarees produced in Surat, Bengaluru, and China continue to flood the market; machine-made imitations are cheaper and often indistinguishable to consumers, undermining artisanal value (Mukherjee, 2020). Most grassroots weavers remain unaware of the GI tag and lack the legal literacy or financial resources to enforce their rights. GI protection has not translated into higher incomes: middlemen and traders capture most of the market value, leaving weavers in precarious economic conditions. The absence of a strong enforcement institution — analogous to the Tea Board for Darjeeling Tea — means GI implementation in Varanasi is fragmented and underfunded. This contrast with Darjeeling Tea directly illustrates the institutional variable as the primary determinant of GI effectiveness.

6.4 Socio-Economic Implications and Partial Recovery

Some NGOs and cooperatives have attempted to revive the sector. The Varanasi Handloom Development Programme and several grassroots initiatives aim to train weavers, promote authenticity marks, and connect artisans directly to consumers via digital marketplaces. These efforts suggest that GI protection must be complemented by institutional support, market innovation, and welfare schemes to deliver tangible results (Bhutani, 2016). The Banarasi Saree case exemplifies the 'symbolic but shallow' effect of GIs in India when not embedded in broader developmental frameworks — legal recognition without the institutional architecture to enforce and monetise it.

7. Case Study 3: Basmati Rice

7.1 Historical and Cultural Context

Basmati Rice, prized for its long grains and distinctive aromatic fragrance, has been cultivated in the Indo-Gangetic plains for centuries. Traditionally grown in regions spanning northern India and parts of Pakistan, Basmati is both a cultural symbol and a crucial agricultural export commodity, contributing more than sixty per cent of India's rice export value annually (APEDA, 2021). Its global demand — particularly in the Middle East, North America, and Europe — makes it one of India's most commercially significant GI products. However, Basmati's popularity has also triggered international disputes over ownership, definition, and registration rights.

7.2 GI Registration and International Disputes

In 2016, APEDA filed a GI application for Basmati Rice covering specific northern Indian states including Punjab, Haryana, Himachal Pradesh, Uttarakhand, and parts of Uttar Pradesh, Jammu and Kashmir, and Delhi. The application defined geographical boundaries and linked the rice's aroma and grain characteristics to soil, climate, and traditional cultivation practices. The process was complicated by two major international disputes.

The India–Pakistan dispute is the most significant ongoing GI controversy in the agricultural sector. Pakistan objects to India's unilateral GI claim on the grounds that Basmati has been cultivated extensively in Pakistani Punjab for centuries. When India sought GI recognition from the European Union, Pakistan filed a competing application, resulting in the EU deferring exclusive recognition to either country. The EU GI system does not readily accommodate shared heritage products between non-member countries with competing sovereignty claims, exposing a structural gap in international GI governance (UNCTAD, 2020).

The RiceTec controversy arose in 1997 when U.S.-based RiceTec Inc. was granted U.S. Patent No. 5,663,484 for specific Basmati-like rice lines and grain characteristics. India contested the patent internationally and in re-examination proceedings before the USPTO, leading to the cancellation of the core claims (claims 1–7 and 10–13) in 2001. The case demonstrated the vulnerability of traditional agricultural products to misappropriation through patent mechanisms when proactive GI and prior art protection strategies are absent, and directly catalysed APEDA's systematic push for international GI registration (Das, 2010).

7.3 Key Challenges

Defining the geographic boundaries of the Basmati cultivation zone is contested both internally (farmers in adjacent regions argue for inclusion) and internationally (Pakistan's claim). The introduction of hybrid rice strains marketed as Basmati creates scientific and regulatory challenges for authenticity verification. International enforcement is inconsistent: many countries lack bilateral agreements with India to recognise and protect Basmati as a GI, and buyers in import markets sometimes exploit the India–Pakistan rivalry to negotiate lower prices. The geopolitical complexity of Basmati illustrates the limits of unilateral domestic GI registration as a strategy for protecting transnational shared heritage products.

7.4 Socio-Economic Impact

Basmati exports contribute significantly to agricultural incomes in northern India, and effective GI protection could enhance India's bargaining power in global markets. However, as with the other case studies, benefits are not evenly distributed — large exporters dominate profits while smallholder farmers face input cost pressures and exposure to international price volatility. The ongoing India–Pakistan dispute also creates market uncertainty, as GI recognition remains incomplete in the EU, which is one of Basmati's most valuable premium markets (APEDA, 2021).

8. Critical Analysis: Effectiveness of the GI Act

The preceding case studies enable a structured critical analysis of the GI Act's effectiveness using a 'law in books versus law in action' framework — the distinction, articulated in the socio-legal tradition by Roscoe Pound (1910) and further developed by Cotterrell (1984), between a statute's formal provisions and its practical operation within the social and institutional environment it seeks to govern. This framework reveals that the GI Act is substantially effective as 'law in books' — its provisions are carefully drafted, TRIPS-compliant, and legally coherent — but significantly deficient as 'law in action' for most of its registered products, with Darjeeling Tea as the principal exception that proves the rule.

8.1 Law in Books: Strengths of the GI Act

The GI Act provides a legally sound foundation. It correctly implements the TRIPS framework (Articles 22–24), including the critical prohibition on assignment (Section 24) that preserves the communal character of GI rights — a feature absent from many national GI regimes. The collective registration model (Section 6) enables producer associations to act as legal persons with standing to enforce rights. The infringement provisions (Sections 22 and 39) provide adequate civil and criminal remedies. The Act's alignment with TRIPS has enabled India to secure GI registrations in the EU (as PGI), Japan, Russia, and other jurisdictions, creating a legal basis for international enforcement. For agricultural exports, GI recognition has enhanced competitiveness, with Darjeeling Tea and Basmati Rice commanding premium prices in global markets (Das, 2010; APEDA, 2021).

8.2 Law in Action: Systemic Weaknesses

The gap between the Act's formal provisions and their practical operation is explained by three institutional failures. First, post-registration support is almost entirely absent except for products with dedicated statutory bodies. The GI Act creates legal rights but provides no public funding mechanism for enforcement litigation, no mandatory producer training programmes, and no market-linkage infrastructure. This contrasts sharply with the EU system, where Regulation (EU) No. 1151/2012 is supplemented by promotion schemes, quality control requirements, and producer group certification — mechanisms that have enabled EU GIs such as Champagne and Parma Ham to achieve global brand recognition and stringent enforcement. Second, domestic enforcement infrastructure is weak. GI infringement cases must navigate the ordinary civil litigation system, which in India is characterised by prolonged delays. No specialised GI tribunal or fast-track court exists, and most producer communities — particularly weavers and smallholder farmers — cannot sustain protracted litigation. Third, consumer awareness of GI marks is low, reducing market incentives for authenticity. Without consumer demand for certified authentic GI products, counterfeit goods face little competitive disadvantage in price-sensitive domestic markets (Mukherjee, 2020; Singh, 2018).

8.3 The Institutional Variable: Why Darjeeling Succeeded

The primary explanatory variable for Darjeeling Tea's comparative success is not the GI Act itself but the pre-existing institutional capacity of the Tea Board of India — a statutory body with independent revenues, professional staff, and a mandate covering the entire tea value chain from production to export promotion. The Tea Board's resources enabled it to pursue international registrations, develop traceability systems, fund enforcement litigation, and maintain market monitoring capacities that no voluntary producer association could replicate. This finding has a critical policy implication: the GI Act can deliver its potential, but only when embedded in a sectoral institutional ecosystem capable of investing in the full cycle from registration through enforcement through market development. For the vast majority of India's 600+ registered GIs, no such ecosystem exists. Replicating the Tea Board model is not fiscally feasible for every product, but dedicated GI development funds within DPIIT, with sector-specific implementation through existing bodies such as the Handicrafts Development Corporation, the Spices Board, and the Coffee Board, could substantially improve the law-in-action effectiveness of the Act.

8.4 Comparative Insight: India and the EU

A structured comparison of the Indian and EU GI regimes reveals five key distinctions. Registration processes in both systems are rigorous, but post-registration, the EU mandates quality control, certification, and producer group governance under Regulation (EU) No. 1151/2012, while India provides none of these by statute. Consumer-facing labelling requirements are standardised across the EU with the PDO/PGI logo — creating immediate market signals — while India's GI logo is rarely used on retail products and has low consumer recognition. The EU's DOOR database provides publicly accessible, searchable GI registration records, while India's GI Registry database has historically been less accessible and user-friendly. Promotion funding through EU agricultural promotion schemes provides GI producers access to co-financed marketing budgets; India has no equivalent. Finally, enforcement in the EU benefits from a network of national GI enforcement authorities with cross-border cooperation mechanisms; India's enforcement depends on individual producer associations initiating civil proceedings at their own cost (WIPO, 2017; Gangjee, 2017).

9. Policy Recommendations

Based on the critical analysis above, three targeted reforms are proposed, each addressing a specific systemic weakness identified in the law-in-action analysis. They are designed to complement rather than replace the existing GI Act framework.

Proposal 1: Mandatory Post-Registration GI Development Fund

Parliament should amend the GI Act, 1999 to create a GI Development Fund under the DPIIT, financed by a proportion of GI registration and renewal fees supplemented by budgetary allocation. The Fund should provide: (a) matching grants to registered GI producer associations for enforcement litigation; (b) subsidised legal assistance through empanelled advocates; and (c) market-linkage support including e-commerce integration, fair participation, and export facilitation. Sector-specific implementation should leverage existing statutory bodies — the Handicrafts Development Corporation for handicraft GIs, APEDA for agricultural GIs, and the Spices Board and Coffee Board for their respective sectors. This proposal directly addresses the

post-registration support gap that distinguishes Darjeeling Tea (Tea Board-backed) from Banarasi Sarees (unsupported).

Proposal 2: Fast-Track GI Infringement Tribunals

The Government of India should establish dedicated GI Infringement Tribunals within the Intellectual Property Appellate Board (IPAB) framework, or alternatively create fast-track benches within designated High Courts with exclusive jurisdiction over GI infringement matters. Cases should be mandatorily decided within one year of filing, with automatic ex-parte ad interim injunctions on prima facie evidence of misuse of a registered GI. This reform addresses the litigation delay problem that renders civil remedies effectively unavailable to most producer communities. It has a clear constitutional basis under Entry 49 of the Union List (patents, inventions, designs, copyright, trademarks, and merchandise marks) and may be implemented through amendment to the GI Act, Section 66, which currently provides for appeals to the IPAB.

Proposal 3: Bilateral GI Recognition Treaties in FTA Negotiations

India must prioritise GI mutual recognition as a mandatory chapter in all future Free Trade Agreement negotiations, particularly with the EU, ASEAN, the United Kingdom, and Gulf Cooperation Council countries. The current India–EU FTA negotiations provide the most immediate opportunity: a comprehensive GI chapter should secure mutual recognition of specific Indian GIs (Darjeeling Tea, Basmati Rice, Banarasi Sarees, Darjeeling, Champagne equivalents) in both jurisdictions, with commitments on enforcement cooperation. For transnational products such as Basmati Rice, India should pursue a bilateral framework with Pakistan — potentially through SAARC or bilateral channels — that recognises the shared geographical heritage of Basmati while protecting the distinct production identities of Indian and Pakistani Basmati. This geopolitical proposal addresses the EU recognition gap for Basmati and the cross-border enforcement gap for Darjeeling Tea.

10. Conclusion

The Geographical Indications of Goods (Registration and Protection) Act, 1999 represents a landmark in India's intellectual property landscape and provides a legally sound, TRIPS-compliant framework for protecting indigenous products. The case studies of Darjeeling Tea, Banarasi Sarees, and Basmati Rice demonstrate both the promise and the persistent limitations of the GI regime.

Applying the law in books versus law in action framework, this paper concludes that the Act's effectiveness is primarily determined not by its legal provisions — which are adequate — but by the institutional ecosystem surrounding each registered product. Darjeeling Tea has succeeded because the Tea Board of India provided the post-registration infrastructure that the Act alone does not guarantee. Banarasi Sarees have remained symbolically protected but economically marginalised because no equivalent institution exists for the handloom sector. Basmati Rice illustrates that even strong institutional support (APEDA) cannot resolve geopolitical challenges that require international treaty-making rather than domestic law reform.

The three policy proposals advanced in this paper — a mandatory GI Development Fund, fast-track infringement tribunals, and bilateral treaty-based international recognition — are targeted at the three most critical law-in-action deficiencies. They build on the existing statutory architecture rather than requiring wholesale reform, and their implementation is fiscally and constitutionally feasible within the current Indian governance framework. Ultimately, GIs can be powerful instruments for cultural protection, rural development, and export competitiveness — but only when the law on paper is matched by the institutional investment and international engagement necessary to make it effective in practice.

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