

# Trips Compliance And Regional Identity: Protecting Chhattisgarh's Traditional Knowledge Through Gis

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## ARTICLE INFO

## ABSTRACT

This paper explores the intersection of TRIPS compliance, regional identity, and traditional knowledge (TK) through the lens of Geographical Indications (GIs), focusing on the Indian state of Chhattisgarh. The study examines how India's sui generis GI regime, rooted in the Geographical Indications of Goods (Registration and Protection) Act, 1999, aligns with the minimum standards set by the TRIPS Agreement, while also extending protection to indigenous knowledge systems and community-based production. Emphasis is placed on the economic, legal, and cultural implications of GI registration, particularly in Chhattisgarh, where tribal crafts and native rice varieties like Jeeraphool and Nagri Dubraj have gained GI status. The paper critiques implementation gaps, such as low awareness, minimal registration of authorized users, and limited institutional outreach in tribal areas. It further analyzes the role of state initiatives like C-Mart, SHG-led GI custodianship, and the Godhan Nyay Yojana in promoting equitable benefit-sharing. Comparative insights from other Indian states and global GI leaders illustrate both challenges and opportunities for scaling Chhattisgarh's GI portfolio. The paper concludes that while the legal framework is robust, real empowerment will depend on inclusive governance, local participation, and sustained investment in capacity-building and marketing infrastructure.

**Keywords:** Geographical Indications, Traditional Knowledge, TRIPS Compliance, Chhattisgarh, Cultural Preservation

## BACKGROUND OF THE STUDY

Under the Agreement on TRIPS, Article 22(1) defines a geographical indication (GI) as any indication that "identifies a good as originating in the territory of a member [state], 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".<sup>1</sup> Article 22 further places obligations on WTO Members to prevent misuse of GI names and to guard against unfair competition.<sup>2</sup> Article 10bis of the Paris Convention (as incorporated by TRIPS) strengthens this by requiring legal means to prevent practices contrary to honest commercial usage and against unfair competition. Article 23 adds a layer of enhanced protection specifically for wines and spirits, requiring WTO Members to offer stronger measures including prohibiting even truthful but misleading uses of GI terms<sup>3</sup>though WTO Members have yet to fully extend such absolute protection beyond wines and spirits. These provisions set a baseline obligation, allowing states to legislate higher protection internally so long as TRIPS minimum standards are respected (Article 1.1 TRIPS).<sup>3</sup>India, fulfilling its TRIPS obligations, enacted the Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act No. 48 of 1999), which came into force on 15 September 2003 along with the GI Rules, 2002.<sup>4</sup>The "Geographical Indications of Goods (GI) Act, 1999", established a sui generis national GI system in India, with over 603 registered products as of 2024.

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This system safeguards TK through legal protection of GIs, a dynamic intersection of intellectual property law, cultural heritage preservation, and economic development.<sup>5</sup>

### **The TRIPS Framework: International Scope**

TRIPS, as administered by the World Trade Organization (WTO), provides the foundational international legal framework for the protection of GIs. Articles 22 to 24 delineate the parameters, beginning with a broad definition: GIs are “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”.<sup>6</sup> The scope of these provisions includes all products capable of geographical distinction, though TRIPS famously grants enhanced protection specifically to wines and spirits under Article 23, prohibiting even indirect use or translation of the GI unless the product actually originates in the region concerned.<sup>7</sup> Article 22, on the other hand, mandates a basic protection regime for all products, requiring members to prevent the use of GIs on goods not from the designated location if such use misleads the public or constitutes unfair competition.<sup>8</sup> Important to note are the exceptions TRIPS allows. Article 24 provides that GI protection does not apply where terms have become generic (common names), for trademarks registered in good faith before the entry into force of the TRIPS Agreement, prior continuous use, or for personal names and certain other limited cases.<sup>9</sup> TRIPS leaves national governments significant leeway in implementing these standards, allowing states to choose various forms of GI protection, from certification marks, collective marks, and administrative schemes to sui generis systems. TRIPS also incorporates obligations of “national treatment” (equal treatment for foreign and domestic GI holders) and establishes that GI rights are territorial protected and enforced within each Member country’s domestic legal order.

### **India’s Sui Generis GI Act, 1999: Policy, Scope, and Definitions**

India was among the first developing countries to enact a comprehensive, standalone law for the recognition and protection of GIs with its Geographical Indications of Goods (Registration and Protection) Act, 1999, effective from 15 September 2003. This Act, along with the Geographical Indications of Goods (Registration and Protection) Rules, 2002, establishes a specialized GI registry with nationwide jurisdiction based in Chennai. The Indian Act defines a GI as “an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin” (Section 2(1)(e)). Notably, this is much broader than TRIPS, covering agricultural, natural, and manufactured products, and unlike TRIPS India does not restrict higher-level protection to wines and spirits but leaves it open for the government to specify such products.

### **Scope, Definition & Registration Procedures**

Under Section 2(1)(e) of the GI Act, India defines GI in line with TRIPS covering agricultural, natural, or manufactured goods whose characteristics (quality or reputation) are essentially attributable to their geographical origin, and where at least one stage of production or processing takes place in that region. The Act also clarifies that even names that are not explicitly geographic (but relate to a specific location) may qualify as GIs. Registration may be sought by an association of persons, producers, or an organization representing producer interests (Section 11(1)). Applications require a detailed form including description of the product, evidence that its qualities are geographically derived, map of production territory, list of producers, logo or mark, and prescribed fees.<sup>10</sup> The Registrar conducts preliminary scrutiny, allowing one month to cure deficiencies; acceptance triggers advertisement in the GI Journal. Oppositions may be raised within 3 months; if no opposition, a certificate of registration is issued to the applicant and authorized users (Sections 11–13).<sup>11</sup>

### **Duration, Rights & Enforcement**

Once registered, a GI is valid for an initial term of 10 years, renewable indefinitely in 10-year increments (Section 18). Registration grants the exclusive right to use the GI for the specified goods by the registered proprietor and authorized users residing within the territory.<sup>12</sup> Infringement (Sections 21–24) includes unauthorized use of a registered GI, description or presentation that falsely implies origin, or engaging in unfair competition.<sup>13</sup> Legal remedies include injunctions, damages, and accounts for profits. Non-registered GIs may still be protected via passing-off actions under common law.<sup>14</sup> Notably, Section 9 excludes registration of GIs that cause deception, are scandalous or generic, or hurt religious sentiments.<sup>15</sup>

### **TRIPS vs Indian Framework**

In effect, India’s GI Act meets TRIPS’ minimum standards, while providing a formal registration-based regime, with defined procedural rigor, enforcement mechanisms, and rights of renewal. It does not yet provide absolute protection comparable to TRIPS Article 23 for wines and spirits. Indian law applies the same standard across all goods but sanctions misleading and unauthorized use strongly under Section 21–24. The Attorney General has noted India’s ability to offer higher national protection than TRIPS minimum under Article 1.1, particularly via collective enforcement by producer groups.<sup>16</sup>

### Registration Procedures and Duration

The registration process under the Indian Act is distinctive, comprehensive, and participative. Any association of persons, producers, organization, or authority representing the interests of the producers of the concerned goods can apply for GI status. The steps, as codified in the Rules, involve:

- Submission of an application (Form GI-1A to ID) in triplicate, with a Statement of Case, prescribed fee, and supporting evidence, including documentation of the unique link between the product and its area of origin.
- Scrutiny by a panel to ascertain compliance with legal requirements. Deficiencies lead to queries or requests for further information.
- On acceptance, the application is published in the GI Journal, inviting third-party opposition within a set timeframe.
- Legal hearings resolve any disputes; otherwise, or on successful defence, the GI is registered.
- Registration is valid for 10 years and can be renewed indefinitely in 10-year increments, provided relevant fees are paid.
- As of July 2025, India has registered 658 GIs, reflecting an ongoing government campaign to recognize 10,000 GIs by 2030 demonstrating the increasing scale and importance of GI protection.

### Rights, Enforcement, and Remedies

Registration grants authorized users and producers the exclusive right to use the GI and assign the product's origin in commerce, as well as to seek legal action against unauthorized use, infringement, or acts of passing off. Enforcement includes both civil and criminal remedies: courts can order injunctions, damages, and account of profits, as well as confiscation or destruction of infringing goods. Higher levels of protection can be accorded to notified categories of goods, and the misuse of the GI, including on packaging or marketing that misleads the origins or qualities, can be prosecuted under the Act. Registration is also a prerequisite for seeking legal relief.

### State Government Schemes & Initiatives

Chhattisgarh's government has rolled out specific schemes to promote GI products, with a strong emphasis in recent years on awareness-building, capacity-building, branding, and market access:

#### C-Mart Retail Outlets

The Chhattisgarh Government launched C Mart outlets to create urban marketplaces for rural and tribal products, particularly those under the Geographical Indications (GI) framework. These retail outlets allowed local artisans and farmer producer groups to sell GI-tagged products to urban consumers. Despite closures due to operational and footfall challenges, the model remains a valuable experiment in retail-based GI promotion. The government is now considering revamping the model with better supply chain integration, digital marketing, and e-commerce partnerships. The success of C Mart has informed policy frameworks on sustainable retail platforms for indigenous products.<sup>17</sup>

#### Partnerships with APEDA and DGFT for HS Code Allotment

Chhattisgarh has partnered with national export bodies like APEDA and DGFT to assign Harmonized System (HS) codes for its agricultural GI products, Jeeraphool rice and Nagri Dubraj rice. This helps in international classification, traceability, and brand recognition, enabling farmers and cooperatives to access niche international markets. The HS codes also improve geo-authentication, preventing counterfeit or inferior rice from entering global supply chains. These initiatives align with the Centre's "One District One Product" scheme, highlighting unique rice cultivars in districts like Surguja and Dhamtari.<sup>18</sup>

#### Godhan Nyay Yojana: A Boost for Organic GI Cultivation

The Godhan Nyay Yojana, launched in 2020, is an innovative agrarian welfare scheme in India. It primarily focuses on purchasing cow dung from farmers at ₹2 per kg and promoting organic manure production. However, the scheme indirectly benefits GI-linked agricultural production by promoting vermicompost production through women self-help groups (SHGs). This promotes organic and chemical-free farming practices, preserving the quality and authenticity of GI-tagged varieties. The scheme also contributes to rural employment, women's empowerment, and sustainable farming ecosystems.<sup>19</sup>

#### Craft Showcases and Exhibitions

The Chhattisgarh Hastshilp Vikas Board, in partnership with national cultural institutions, has promoted GI-tagged crafts like Bastar Iron Craft, Bastar Wooden Craft, and Bastar Dhokra through exhibitions, fairs, and design workshops. These events connect tribal artisans with collectors, interior designers, and institutional buyers, enhancing brand equity and cultural valuation. The Board supports artisans with skill development programs, cluster-based design interventions, and documentation of traditional processes. They also offer access to international craft expos, e-commerce onboarding, and intellectual property training sessions. These efforts ensure GI recognition leads to economic gains and cultural pride for indigenous communities.<sup>20</sup>

### Self-Help Groups and Cooperatives as GI Custodians

One of the most distinctive features of GI promotion in Chhattisgarh is the empowerment of Self-Help Groups (SHGs) and farmer cooperatives as custodians and registered proprietors of GI goods. Groups like *Maa Durga Swayam Sahayata Samooh* in Nagri, Dhamtari (for *Nagri Dubraj rice*), and *Jaivik Krishi Utpadak Sakhari Samiti Maryadit* in Batauli, Surguja (for *Jeeraphool rice*) have been granted legal standing under the GI Act to control, market, and ensure quality of GI produce. Chhattisgarh's cooperative-SHG model, backed by financial aid and training, ensures community-driven GI ownership. This model maintains product integrity and promotes democratic decision-making in pricing, certification, and local resource management. When institutionalized, it ensures equitable value distribution and aligns with India's intellectual property regime, prioritizing community heritage over individual ownership.<sup>21</sup>

### METHODOLOGY

This study adopts a doctrinal and qualitative research approach, relying on both primary and secondary sources to evaluate the protection of traditional knowledge in Chhattisgarh through Geographical Indications (GIs). Primary materials include the TRIPS Agreement, the Geographical Indications of Goods (Registration and Protection) Act, 1999, and related Indian statutes such as the Biological Diversity Act, 2002. Secondary sources encompass reports from the GI Registry, WIPO, WTO, government policies, and scholarly commentary. Case studies of registered GIs from Chhattisgarh such as Jeeraphool rice and Bastar crafts are analysed alongside comparative insights from other Indian states and select international jurisdictions.<sup>22</sup>

### DATA ANALYSIS

The landscape of Geographical Indications (GIs) in Chhattisgarh is a vibrant intersection of legal protection, traditional knowledge preservation, economic opportunity, and regional branding. As of July 2025, Chhattisgarh has emerged as one of the representative states in India actively leveraging GIs to both protect its unique cultural heritage and foster local economic development. A close analysis of its GI portfolio, regulatory environment, promotional schemes, and forward-moving strategies underscores both its achievements and ongoing challenges. Chhattisgarh's GI registrations cover a blend of handicrafts and agricultural products, reflecting the state's diverse cultural and ecological richness. The current roster includes seven registered GIs:

**Table 1**

No.	Product Name	Category	Year of GI Tag
1	Bastar Dhokra	Handicraft	2008–09
2	Bastar Iron Craft	Handicraft	2008–09
3	Bastar Wooden Craft	Handicraft	2008–09
4	Champa Silk Saree & Fabrics	Handicraft	2012–13
5	Bastar Dhokra (Logo)	Handicraft	2018–19
6	Jeeraphool	Agricultural	2020–21
7	Nagri Dubraj (Rice)	Agricultural	2023–24

The GIs goods in Chhattisgarh, India, are a result of strategic initiatives involving government policy, producer mobilization, and the implementation of the Geographical Indications of Goods (Registration and Protection) Act, 1999. The law outlines the registration, enforcement, rights protection, and redress for infringement processes. Chhattisgarh's GI portfolio combines hand-crafted artifacts from the Bastar region with high-value, region-specific agricultural goods that reinforce the state's cultural and ecological identities. The GI regime adheres to India's national framework, requiring products to establish a unique link between their reputation and place of origin. Only authorized users can use the GI tag for marketing and export. The state's legal structure is reinforced by departmental coordination and collaborations with regional producer organizations. As India aims for 10,000 GI registrations by 2030, Chhattisgarh's legal compliance and documentation models are evolving to align with digital registrations and integrated risk management.

**Table 2: GI Distribution**

Type	Number
Handicraft	5
Agricultural	2
Total	7

#### Handicraft GIs (71% of total):

- Bastar Dhokra, Bastar Iron Craft, Bastar Wooden Craft, Bastar Dhokra (Logo), Champa Silk Saree & Fabrics

#### Agricultural GIs (29% of total):

- Jeeraphool, Nagri Dubraj (Rice)

This data underscores that Chhattisgarh's GI focus is distinctly inclined toward preserving and promoting indigenous crafts mainly those of the Bastar region, internationally renowned for their artisanal precision and cultural symbolism. The addition of two celebrated rice varieties (Jeeraphool and Nagri Dubraj) marks a recent milestone, bridging the GI regime into the state's agricultural sector.

#### Benefits Captured Through GIs

The benefits of GI registration for Chhattisgarh are multifold:

- **Market Positioning:** GIs help products secure premium market positions nationally and globally, leveraging authenticity as a driver of value.
- **Cultural Protection:** GIs ensure that local knowledge systems remain both protected and recognized.
- **Empowerment and Equity:** Only local communities or registered users can legally benefit from production and marketing under the GI name.
- **Preventing Misappropriation:** Stringent GI regulation minimizes risks of counterfeit, imitation, and misappropriation by outside parties.

**Table 3: Country-wise Comparative GI Registrations (2025)**

Country/Region	Total GIs Registered	Focused Categories	% National GIs	Key Examples
India	658	Handicraft, Agr., Food, Textile	93.6%	Darjeeling Tea, Bastar Dhokra
China	9,785	Agr., Food, Handicraft	96.2%	Pinggu Peach, Anji White Tea
Germany	7,586	Wine, Cheese, Meat, Agr., Food	High	Nurnberger Bratwurst, Rugenwalder
Italy	6,330	Cheese, Wine, Agr., Food	High	Parmigiano Reggiano, Prosciutto
France	6,098	Wine, Cheese, Food, Spirits	High	Champagne, Roquefort Cheese
EU (all states)*	~4,000 (agr./food)	Wine, Cheese, Food, Spirits, Craft	Mixed	Feta Cheese, Melton Mowbray Pie
Brazil	~100 (est.)	Coffee, Food, Handicrafts	92.4%	Café do Cerrado
Thailand	171	Rice, Fruit, Silk, Handicrafts	>90% national	Hom Mali Rice, Thai Silk

Country/Region	Total GIs Registered	Focused Categories	% National GIs	Key Examples
Vietnam	~100+	Coffee, Spices, Handicrafts	91.5%	Buon Ma Thuot Coffee

\*EU total also includes protected designations valid across all member states.

## RESULT

- **Size & Scope:** Chhattisgarh's GI portfolio (7 GIs) is a tiny fraction compared to leading nations. China dominates globally by registration numbers (9,785), followed by leading EU countries Germany, Italy, and France who focus strongly on wines, cheese, meats, and key food items.
- **Category Focus:** While India broadly protects handicraft, agricultural, textile, and food products (with a recent push for handicrafts and rice varieties in Chhattisgarh), European countries emphasize agro-foods and drinks, especially wines and cheeses, which constitute nearly 50% of global GIs.
- **Legal Framework:** All these nations provide indefinite or long-term GI protection, with requirements for robust association representation, evidence of link to geography, and rules ensuring quality and reputation.
- **Growth Trends:** China and the EU ramp up registrations rapidly, linking GIs to high export value and rural development. Thailand targets a GI in every province (171 total; 19 for rice alone by 2025), giving a policy model for developing countries.
- **Economic Impact and Promotion:** EU and China see significant export and tourism gains from GIs (e.g., French Champagne, Italian Parmesan). Thailand estimates USD1.2B annual income for community producers from GI products. In comparison, India is ramping up schemes but is still building global recognition and post-registration market benefits.
- **Regional Share:** Europe accounts for 52.5% of registered GIs globally, Asia for 39.5%, illustrating the EU's historical leadership and Asia's fast catch-up, with India and China as key contributors.

Chhattisgarh and India are in a promising phase in leveraging GIs as economic and cultural assets, compared to countries like China, France, and Italy. With India's 2030 goal of 10,000 GIs, the potential for states like Chhattisgarh to rapidly expand and monetize their GI portfolio is substantial, provided sustained investment in documentation, producer mobilization, and global promotion is achieved.

### Comparative Geographical Indications (GI) Data: Chhattisgarh vs. Similar Indian States

**Table 4: State-wise Number of Registered GIs and Category Breakdown (2025)**

State	Total GIs	Handicraft/Textile	Agricultural/Food	Other (Industrial/Natural)
Chhattisgarh	7	5	2	0
Gujarat	28	16	7	5
West Bengal	39	20	16	3
Tamil Nadu	69	45	22	2
Uttar Pradesh	77	45	28	4
Assam	30	14	16	0
Goa	10	0	8	2

- **Source:** Collated from official Indian GI Registry, state gazettes, and recent summary reports.

### Observations and Analysis

Chhattisgarh's seven GIs represent a focused portfolio: five in handicrafts (primarily from the Bastar region, such as Dhokra metalwork, Iron and Wooden crafts, and Champa Silk Sarees) and two in agriculture

(Jeeraphool and Nagri Dubraj rice). This narrow but strong base makes Chhattisgarh the lowest among comparable major states in GI registrations. Neighbouring and comparable states such as Gujarat, West Bengal, and Assam have broader portfolios covering diverse categories, reflecting a richer official recognition of their agricultural and textile heritage as well as food and industrial specialties. For example:

- **Gujarat** leverages its textile, food, and natural resources heritage with 16 handicraft/textile GIs and 7 agricultural/food. Examples include Gir Kesar Mango, Surat Zari Craft, and Patan Patola.
- **West Bengal** has rapidly expanded its GI count to 39 (as of April 2025), capitalizing especially on confectioneries (Nolen Gurer Sandesh), signature agricultural produce (Baruipur Guavas), and silks, with sweeping state-backed GI drives.
- **Assam** (30 GIs) and **Goa** (10) actively emphasize unique regional foods and crafts, with recent upticks reflecting focused state strategies.
- **Tamil Nadu** and **Uttar Pradesh** lead the country, with 69 and 77 GIs respectively, thanks to longstanding traditions in textiles, crafts, rice, and processed foods, supported by rigorous cluster development, aggressive state branding, and institutional support.

**Table 5: GI Density and State Activity**

State	Population (millions)	GIs per 10 million	State GI Promotion Schemes
Chhattisgarh	32	2.2	Limited, cluster-based
Gujarat	72	3.9	Active, art-craft focus
West Bengal	98	4.0	State GI cell, subsidies
Tamil Nadu	78	8.8	GI Facilitation Centre
Uttar Pradesh	240	3.2	Dedicated GI Taskforce
Assam	36	8.3	Artisanship, ODOP

**Interpretation:** Tamil Nadu and Assam produce the highest GI density relative to population, indicating high awareness, institutional support, and proactive registration. Chhattisgarh lags both in absolute and density terms.

### Key Observations

- **Economic Impact:** States like Tamil Nadu and West Bengal use GIs to actively expand exports, tourism, and cluster branding, seeing tangible growth in artisan income and rural employment. Chhattisgarh, with its limited scale and low awareness, has yet to realize similar economic multipliers.
- **State Initiatives:** Chhattisgarh's schemes, while operational (artisan workshops, local fairs, cluster marketing), lack the aggressive cluster strategies and GI promotion units seen in Gujarat, Tamil Nadu, or West Bengal. Dedicated GI cells and state subsidies in these leading states have accelerated registration and post-registration market growth.
- **Potential for Expansion:** Chhattisgarh possesses significant untapped GI potential in herbal products, tribal crafts, processed foods, and more unique rice varieties. Comparative data show that states investing in rapid documentation and marketing infrastructure can sharply increase registrations and downstream economic benefit.

## CONCLUSION

The protection and promotion of Geographical Indications (GIs) in Chhattisgarh is crucial for preserving traditional knowledge and promoting regional economic development. The state has seven registered GIs, including five handicrafts and two agricultural products, which ensure legal recognition and empower tribal communities and local producers. However, despite a robust legal framework, there is a significant implementation gap at the ground level. Observational analysis shows limited awareness among artisans and farmers, sparse registration of authorized users, and inadequate infrastructural and market linkages. The practical benefits of GI protection, such as premium pricing, cultural recognition, and protection from misappropriation, are unevenly distributed and often fail to reach the custodians of traditional knowledge. State-level interventions, such as C-Mart outlets and NRLM-backed SHGs, have laid the foundation for community-led GI governance. However, Chhattisgarh must institutionalize dedicated GI promotion bodies, increase investment in producer training, expand identification and documentation of eligible products, and

integrate GI strategy with initiatives like ODOP and rural tourism. A participatory, well-resourced, and locally embedded GI framework can serve as a shield against cultural erosion and a catalyst for inclusive growth.

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