

GEOGRAPHICAL INDICATIONS: CATALYSING INDIA'S JOURNEY TOWARDS BECOMING 'ATMANIRBHAR'

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ABSTRACT

12th May, 2020, marks an important day for India. On this day, the Government of India announced an economic package named 'Atmanirbhar Bharat Package' worth ₹20 Lakh Crores. At the outset, this package was introduced as a respite for the Indian economy which was severely suppressed by the ongoing battle against the COVID-19 pandemic. But this campaign was never introduced as a temporary relief mechanism. The introduction of this campaign followed a nation-wide ban on Chinese apps and was followed by several import restrictions. Further, the continuous usage of taglines like 'vocal for local' makes it clear that the aim of this economic package was widespread and long-term. This campaign, if implemented properly, aims at making every Indian self-reliant. Since its introduction, the campaign has been viewed in light of several legal, social, and political facets. One such facet, which has the potential to bring success to this campaign, would be Geographical Indications. In this paper, the author has weighed the campaign in light of the existing Indian legal regime surrounding Geographical indications. The author has also suggested some steps in the area of GI which, if complied with, can catalyse India's journey towards becoming Atmanirbhar.

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INTRODUCTION

While India, a gigantic economy of approximately 135 Crore people was combatting the COVID-19 pandemic, the Central government (led by 'Bharatiya Janata Party') introduced an interesting economic package worth ₹20 Lakh Crores named '*Atmanirbhar Bharat Package*' (equivalent to 10% of India's GDP)¹. This package was publicly announced by Prime Minister Narendra Damodardas Modi, and was further dissected and elaborated on by the Finance Minister Smt. Nirmala Sitharaman. The introduction of this package marked the onset of a pan-India campaign known as *Atmanirbhar Bharat Abhiyaan* or 'Self-reliant India Campaign'. This public announcement was not limited to being a mere national event, but became a matter of discussion for the entire globe as one of the largest and biggest economies in the world was undergoing a strategic makeover of its economic policies. This call has strong foundations of Mahatma Gandhi's philosophy in *Gram Swaraj*, which aimed at making the villages in India self-sufficient as a way forward for enhancing the domestic economy. Although the general directions given by the government indicate the promotion of domestic manufacturing and reduction of exposure to the global production chain,² there are many controversies surrounding, and several theories on the real intention behind the campaign.

The main objective of the campaign is to make India and its citizens self-reliant in all senses. The speech given by the Prime Minister on the 12th of May, 2020, announcing the introduction of the campaign, included five pillars of *Atmanirbhar Bharat*- (1) Economy (2) Infrastructure (3) Systems (4) Vibrant Demography (5) Demand.³ This campaign is further divided into 5 phases- Phase-I (business including) MSMEs; Phase-II (poor, including migrants and farmers); Phase-III (agriculture); Phase-IV (new horizons of growth); Phase-V (government reforms and enablers).⁴ Ever since its introduction, the campaign has faced many controversies concerning its objective. While some say that it is a new version of the *Swadeshi movement* which was launched in 1905, some also interpret this campaign as an extended limb of the

¹ See *Atmanirbhar Bharat Abhiyaan*, INVEST INDIA, <https://www.investindia.gov.in/atmanirbhar-bharat-abhiyaan> (last visited Nov. 30, 2020).

² Nandakumar Janardhana et al., *Impact of COVID-19 on Japan and India: Climate, Energy and Economic Stimulus* (Institute for Global Environmental Strategies, Working Paper, 2020).

³ See *supra* note 1.

⁴ See *Building Atmanirbhar Bharat and overcoming COVID-19*, INDIA.GOV.IN, <https://www.india.gov.in/spotlight/building-atmanirbhar-bharat-overcoming-covid-19> (last visited Nov. 30, 2020).

Make in India movement as the government has used attractive taglines such as 'Vocal for local'.

Just like how India introduced the Liberalisation-Privatization-Globalization (LPG) scheme in 1991 to crawl out of the severe economic crisis engulfing it, in 2020, the government introduced the self-reliant India campaign to combat the economic crisis caused by COVID-19. However, it is not being viewed as a one-time or temporary approach of the government. It is being seen as a scheme that would have long-term impacts on the Indian economy. The campaign has opened the floor for discussion in different areas and fields, one of which is Intellectual Property Rights. Phase-I of the campaign focusses on the MSME sector. This will give a sudden boost in the establishment of new start-ups. It has also opened the doors for innovations, which will go hand-in-hand with IP. Similarly, under Phase-IV of the campaign, different ministries will come up with new and innovative projects. This will also boost innovations and technical and scientific advancements in the country giving effect to IP. Under Phase-III as well, IP will play a significant role as new developments and innovations can be speculated in the agricultural sector.⁵ IPR is a vast area of law. However, one of the aspects of IPR which has been receiving greater importance is 'Geographical Indications' or GIs. In this paper, the author has elaborated on how GIs can help the campaign achieve its objective of making India self-reliant.

I. GEOGRAPHICAL INDICATIONS UNDER THE INDIAN LEGAL REGIME

A GI tag is used to indicate that a particular good having special qualities, characteristics, or reputation has originated from a country, region, or locality, and its special characteristics are attributable to its place of origin due to natural factors such as soil, raw materials, regional climate, moisture, temperature, etc.; or human factors such as the concentration of smaller businesses in the same region, traditional production methods, maintenance of certain quality standards, or specialisation in the preparation or production of certain products. The nexus between the place of origin and the good becomes so popular that any reference of the product reminds one of the place and *vice versa*.⁶ There are many examples such as the *wine*

⁵*Relevance of intellectual property under 'atmanirbhar bharat'*, LAW TIMES JOURNAL (Nov. 9, 2020), <https://lawtimesjournal.in/relevance-of-intellectual-property-under-atmanirbhar-bharat/>.

⁶ V.K. Ahuja, Protection of Geographical Indications: National and International Perspective, 46(2) J. IND. L. INST. 269 (2004).

'*champagne*' from the District of Champagne in France; *Nagpur Oranges* from the city of Nagpur, Maharashtra; *Darjeeling Tea* from Darjeeling, West Bengal; *Puneri Pagdi* from Pune, Maharashtra; *Basmati Rice* of India; *Parmigiano-Reggiano cheese* of Italy, etc. A geographical indication is as valuable as a trademark but functions differently. Where a trademark is owned by enterprises to distinguish their product or service in the market, especially from competing products and services, a geographical indication on the other hand, does not belong to any particular enterprise. Several enterprises can use a geographical indication at the same time, provided that the products for which it is used originate in the geographical area to which the indication refers.⁷ For example, 'Darjeeling tea' is sold by many brands simultaneously such as Lipton, Tata Tea, Duncan Tea, Twinings, etc., because all these brands refer to tea that originates from a commonplace named Darjeeling.

Mainly, three functions are performed by a GI, *firstly*, identification of goods as originating from a particular territory; *secondly*, suggesting to the consumers that the goods originate from an area where a given characteristic of the good is attributable to their geographic origin; *thirdly*, promoting the goods of producers of a particular area.⁸

Despite India being a party to the TRIPS Agreement, it did not have any specific law on geographical indications that could adequately protect the interests of producers till 1999. However, the position on GIs in India was developed with the help of judicial pronouncements. One of the most famous judgments on GI was delivered by the Delhi High Court in 1980. In the case, the question was "*whether the brand name 'Highland Chief' used in relation to products described as 'Malted Whisky' along with the device of the head and shoulders of a Scottish gentleman [...] gives the impression that the products [...] comes from Scotland [...]*" The Court held, "*It cannot be gainsaid that the word 'Scotch' when used in relation to whiskey by sheer user has come to be identified with the goods produced in Scotland and the same is the cast with the word 'Highland' figuring the trademark in question [...] it cannot further be gainsaid that the 'Highland' being the name of the place when applied to whiskey would indicate that the goods are that produce of that place. It cannot further be gainsaid that the word 'Highland' as part of trademark in relation to whiskey has acquired reputation amongst the general public and it is something undeniable that the public associates that part of the trademark with whiskey produced and distilled in Scotland. It would, thus, follow inferentially*

⁷ *Id.* at 270.

⁸ *Id.* at 269.

that words 'Highland Chief' by themselves or because of the presence of pictorial representation of the Highlander on being used as trademark in respect of appellant's whisky which admittedly is not Scotch Whisky would be likely to deceive or confuse the unwary purchaser in thinking that the whisky is Scotch Whisky."⁹ A similar approach was taken by the Court in *Scotch Whisky Association v. Pravara Sahakar Shakar Karkhana*.¹⁰

The Indian regime developed its law surrounding geographical indications, only after encountering the *Basmati rice controversy* after which India adopted the Geographical Indications of Goods (Registration and Protection) Act, 1999.

II. HOW CAN GIS CONTRIBUTE IN MAKING INDIA *ATMANIRBHAR?*

India is an abode to a strong cultural heritage of indigenous goods that have special characteristics. A GI safeguards products which are locally produced from being marketed by manufacturers not belonging to that geographical area. This has also been the objective behind the enactment of the Geographical Indication of Goods (Registration and Protection) Act, 1999.¹¹ *Atmanirbhar Bharat Abhiyan* has brought in a wave of change. This initiative is being looked upon as a means for protecting dying Indian industries, reviving India's lost culture and heritage, and boosting its economy. However, this campaign cannot meet its ends without efforts being made in various fields, one of which is IPR and especially GI, as it has the potential of making the indigenous people possessing traditional knowledge to encash it on a global platform and become 'self-reliant', as well as pass on and preserve the traditional knowledge for upcoming generations.

In cases of goods protected by a GI, its place of origin can be used as a marker / assurance for its quality of goods. In other words, a GI 'institutionalises the reputation of goods'.¹² For example, *Darjeeling tea* saw a five-fold increase in its domestic price after it was granted a GI tag. Similarly, the price of *Basmati rice* and *Thanjavur painting* also doubled.¹³ According to a consumer survey which was undertaken in the European Union in 1999, it was found that

⁹ *Dyer Meakin Breweries Ltd v. The Scotch Whiskey Association*, AIR 1980 Del 125.

¹⁰ AIR 1992 Bom 294.

¹¹ Gautami Govindrajan & Madhav Kapoor, "Why the protection of Geographical Indications in India needs an Overhaul" 8(1) NLIU L. REV. 22, 24 (2019).

¹² *Id.* at 27-28.

¹³ Phani Pallela, *GI tag a means to create millions of jobs*, DECCAN HERALD (Mar. 20, 2019, 10:11 PM), <https://www.deccanherald.com/opinion/panorama/gi-tag-a-means-to-create-millions-of-jobs-724270.html>.

40% of the consumers would pay a 10% premium for origin-guaranteed products. According to another study by the United Nations Conference on Trade and Development (UNCTAD) India Programme, the premium in India could be in the range of 10-15% for agricultural products and 5-10% for non-agricultural products.¹⁴ The reason for such an increment lies with the core objective for obtaining a GI. GIs are obtained to create a distinct reputation for the products to enable the consumers to shift from brand awareness to brand preference, where they would willingly pay higher prices and simultaneously refuse to accept other alternatives.¹⁵

India is an agrarian economy. China's invasion of India's manufacturing along with India's entry into WTO in 1995, severely affected the farmers, artisans, and daily labourers. Even though a false illusion of wealth and jobs was created, MSMEs, Agri-products, traditional arts, and antiques could not survive such a transition. This was causing massive unemployment in India. The *Make in India* movement has also not been of much relevance to this distressed section of the Indian society as it has mostly aimed at consumer durable segments.¹⁶ The recent *Atmanirbhar Bharat Abhiyan* seems to be a solution to these issues as this campaign indiscriminately aims at making Indians working in each sector, 'self-reliant'. GIs have the potential to act as a catalyst to the aim of this pan-India campaign as it has been observed that since the grant of GIs, relevant industries have become more profitable and have increased employment. For example, after the GI tag was granted to *Nagpur oranges*, the number of farmers cultivating them nearly doubled. Further, GI tagged products have humongous export potential. This has increased rural migration and has made the livelihoods of artisans, farmers, and weavers more sustainable¹⁷, reason being that GIs provide an incentive to the collective traditional knowledge of indigenous communities, which leads to the economic benefit for such a group of people. In other words, GIs by increasing jobs for people like farmers, artisans, etc., makes them self-reliant without there being any need for additional resources, funding, or initiatives. This benefit is not only confined to those persons who are involved in the production of such goods, but also expands to the entire region from which the protected goods originate.¹⁸ Production of any product follows a chain of events that collectively fall under the head of 'production system'. It is an assembly of production subsystems that carry a company's value

¹⁴ Kasturi Das, *Prospects and Challenges of Geographical Indications in India*, 13(2) J. WORLD INTEL. PROP. 148, 157-158 (2010).

¹⁵ Tania Singla, *Post-Registration Quality Control Measures for Geographical Indications in India: The Way Forward*, 7 INDIAN J. INTEL. PROP. L. 103, 106 (2014-2015).

¹⁶ *Supra* note 13.

¹⁷ *Id.*

¹⁸ Achintya Nath Saxena, *The Law of Geographical Indication as a Tool for Economic Development: An Application in the case of Awadhi Cuisine of Uttar Pradesh, India*, PL March S-19, S-19 (2011).

streams forming an entire production flow that includes a wide variety of activities ranging from raw materials to product delivery.¹⁹ Since a large number of people are involved in the production of goods, its benefits get distributed amongst all. This is the main reason which makes GI an important focus area for the success of *Atmanirbhar Bharat Abhiyan* as it does not only make those individuals self-reliant who are directly involved with the production of GI tagged products, but many others.

III. STEPS TO BE UNDERTAKEN BY THE INDIAN GOVERNMENT

GIs are a form of collective monopoly right which constructs entry barriers for other producers. This brings a wide range of benefits for the community involved in the manufacture or production of such products. However, if it is viewed from a macro perspective, it may be the root cause of many collective action problems such as 'free-riding' or 'prisoner's dilemma'. The former refers to a situation where individuals enjoy certain benefits without actually paying for them. Acquiring a GI can be a struggle for those people who strive for acquiring it. However, this number of people striving hard for acquiring a GI tag is very small. Once, after a huge struggle period, the GI tag is acquired, many other people who were not willing to take any risk in the pre-establishment stage would come forward and reap all the benefits, thereby attempting to free-ride on the painstaking efforts of the forerunners.²⁰ Many a time such free-riding is also done to make cheap-quality products and benefit from the market created by GI tags. The government needs to take firm steps to avoid such type of free-riding so that the benefit of GIs is reaped by those who truly deserve it. Further, the government needs to act as watchdogs to prevent sub-standard products from being sold by misusing a GI tag. To reduce the impact of 'free-riding' on genuine producers, there should be a quality control department which must on an annual basis inspect all the producers producing GI protected goods to ensure that proper quality standards are being maintained. The government must take such steps so that unauthorized use of GIs can be prevented not only to avoid losing businesses but to also ensure that GI is used only concerning products that possess the qualities or characteristics to which it owes its reputation.²¹ Even though the Government has created many certification marks for different GI products as a mark for quality/purity, there are many popular GIs which

¹⁹ Rajesh Attri & Sandeep Grover, *A comparison of production system life cycle models*, 7(3) FRONTIERS OF MECHANICAL ENGINEERING 305-311 (2012).

²⁰ *Supra* note 14, at 155-156.

²¹ WIPO, GEOGRAPHICAL INDICATIONS: AN INTRODUCTION 24 (2017), https://www.wipo.int/edocs/pubdocs/en/geographical/952/wipo_pub_952.pdf.

still don't have certification marks - such as *Kashmiri Pashmina*. The Pashmina Testing and Quality Certification Centre (PTQCC) did introduce a nanotechnology-based microchip to mark genuine and pure *Pashmina shawls* but there is hardly any awareness about such technology.²²

The other type of collective action problem which follows GI regulation in India is 'the Prisoner's dilemma'. It describes a situation where a lack of information or other factors impedes cooperative action among different agents. Consequently, each of such agents makes decisions that are sub-optimal or at times even detrimental to them.²³ The government must in this regard devise an awareness drive. It must produce advertisements generating awareness through television, newspapers, radio, hoardings, and banners, etc. A dedicated helpline must also be created. Further, the government must encourage the establishment of associations such as the 'Darjeeling Planters Association'. These associations usually act like clubs or mutual concerns or at times even cooperative societies. These associations should be encouraged to provide financial and technical support to producers/ manufacturers. They must also take up the responsibility of quality control. The Head of these associations should also act as spokespersons for the entire community of producers to raise their concerns and negotiate with the government. Even though Section 11 of the 1999 Act talks about applications being moved by an association of persons, the Act does not have any provision on the working of such associations. These associations would be better equipped to deal with the problems of the individual producers. Hence, the government should assign larger responsibilities to such associations so that individual producers can be benefitted.

In India's move towards becoming self-reliant, its proceeds from export would play a major role. Goods that have acquired a GI tag earn massive revenue from exports. However, GIs like other forms of intellectual property, are territorial rights. For enforcing monopoly over such products, GIs have to be registered in other countries as well. Many GI tag holders lack such technical knowledge and hence many times, they are unable to secure the optimum value for their product through exports as some other producers use a similar name and capture their market. Since their GI is not registered in the country, these producers can't even enforce their monopoly. Hence, foreign registrations are a challenge for the government. The WTO Secretariat classifies the different means of protection available for GIs in different WTO

²² Athar Parvaiz, *How a nanotechnology based microchip can help you identify real Pashmina*, *Factor Daily* (May 16, 2017), <https://factordaily.com/pashmina-certification-authenticity-nanotechnology-kashmir/>.

²³ *Supra* note 14, at 155.

member countries into three categories: *first, sui generis* system; *second*, trademark law; *third*, other laws such as those on the repression of unfair competition, consumer protection laws, or laws on the labelling of products.²⁴ In India, the GI protection is available through a *sui generis* system.²⁵ But TRIPS leaves it to the member countries to determine the appropriate method which is to be followed in their country.²⁶ Since there is no uniform method followed, it may confuse individuals who are trying to register GIs in other countries. The government must take appropriate steps to facilitate acquiring GI tags abroad so that the producers/manufacturers can benefit from the real value of their products and move ahead in their journey of becoming self-reliant.

In India, people have started realising the true power of GI tags, and hence, more and more GI tags are being acquired each year. Despite GI tags being given to several goods, India lags in comparison to other countries when it comes to reaping benefits out of GI protection as there are no proper mechanisms to monitor the situation post the grant of a GI.²⁷ Individuals go through a tedious task of acquiring GI tags with the hope that they would reap benefits out of it. Recently in 2019, *Dindigul locks* and *Kandangi sarees*, which were dying industries, were granted GI tag with the hope that these industries may revive post acquiring a GI tag.²⁸ However, there are very few industries that actually gain from acquiring GI tags. An example is the famous '*toda embroidery*' which has been protected by a GI. However, the GI does not stop duplicators from copying their designs. Another example is the wet grinder of Coimbatore which got a GI tag in 2005. The uniqueness of these grinders is that the stone used is unique to the region of origin. However, despite there being a GI tag granted, hardly any manufacturers display the GI tag.²⁹ Even the most popular Indian GI tagged products such as *Darjeeling tea* are not protected from such malpractices. Most times, a geographical indication is granted to a product because the features of the product have a nexus with the geographical features of its place of origin such as rainfall, soil type, altitude, etc. However, the consumers purchasing such products are usually ill-informed and show blind faith towards the producers. Thus, they

²⁴ *Id.* at 158.

²⁵ *Supra* note 15, at 103.

²⁶ *Supra* note 14, at 158.

²⁷ Sangeetha Kandavel & Sanjay Vijaykumar, *From Dindigul Locks to Kandangi sarees: Would GI tags revive an industry*, THE HINDU (Sept. 1, 2019), <https://www.thehindu.com/news/national/tamil-nadu/dindigul-locks-to-kandangi-saris-would-gi-tags-revive-an-industry/article29311542.ece>.

²⁸ Sangeetha Kandavel & A. Shrikumar, *Dindigul Lock, Kandangi saree get GI tag*, THE HINDU (Aug. 30, 2019), <https://www.thehindu.com/news/national/tamil-nadu/dindigul-lock-kandangi-saree-get-gi-tag/article29293601.ece>.

²⁹ *Id.*

are often cheated on with counterfeit products. According to the Darjeeling Planters' Association, approximately 10,000 tonnes of *Darjeeling tea* is produced in India whereas 40,000 tonnes of it is sold. This means that 30,000 tonnes of tea which is sold is counterfeited *Darjeeling tea*. A large proportion of tea being sold as *Darjeeling tea* is *Nepalese tea*.³⁰ In 2017, the Darjeeling tea industry was struck by a huge loss, and hence to fill up the vacuum created, tea was imported from other countries such as Nepal and merchandised as *Darjeeling tea*.³¹ *Nepalese tea* is produced in similar geographical conditions as is *Darjeeling tea*. Many *Nepalese tea* estates/ gardens are also owned by Indians. Hence, 60% of *Nepalese tea* is exported by being repackaged as *Darjeeling tea*.³² Activities like these can be detrimental to the genuine producers of GI tagged products who toil hard for producing a 100% genuine product. The prime reason for such malpractices being undertaken at such a large scale is that the government absolves itself from any duties after granting GIs. Most of the government's GI awareness campaign is limited to the registration of GI products. The government is hardly doing much post the grant of GIs such as the introduction of quality control and maintenance measures.³³ It needs to keep a check on whether the ends of granting GI have been satisfied and if not, what are the impediments. The government needs to play a larger role concerning GIs which should go beyond granting them if it truly wants to achieve its aim of transforming India into an *Atmanirbhar Bharat*. The government needs to extend its work to 'brand building, monitoring and supervision', because the costs involved in these are enormous. The Tea Board of India had spent around ₹9.4 million until 2005 for *Darjeeling tea* in issues such as legal rights, hiring international watch agencies to fight infringement suits, etc. Similarly, the Agriculture and Processed Food Products Exports Development Authority (APEDA) had spent ₹76 million until 2012 in protecting *Basmati rice*. However, *Darjeeling tea* and *Basmati rice* are two very important Indian GIs that have gained global popularity over the years. However, many other products do not have any government agency / department to provide them with such facilities.³⁴

Though not expressly stated by the Government, one of the latent but important objectives behind *Atmanirbhar Bharat Abhiyan* is to adopt policies to restrain China's geopolitical

³⁰ C. Niranjan Rao, *Geographical Indications in Indian Context: A case study of Darjeeling tea*, 40 (42) ECON. & POL. WKLY. 4545, 4547 (2005).

³¹ Avijit Sinha, *Plea for curb on fake Darjeeling tea*, TELEGRAPH INDIA (Feb. 17, 2020, 8:08 PM), <https://www.telegraphindia.com/west-bengal/plea-for-curb-on-fake-darjeeling-tea/cid/1746212>.

³² *Supra* note 30.

³³ *Supra* note 15, at 105.

³⁴ Soumya Vinayan, *Geographical Indications in India: Issues and Challenges-An overview*, 20(3-4) J. WORLD INTELL. PROP. 119, 128 (2017).

aggression. This can be easily deduced as the campaign was introduced at a time when the world at large was resenting China for its fishy stands over the COVID-19 outbreak. Further, with strong allegations of COVID-19 being a lab-made virus and PM Modi's growing involvement in inviting foreign corporations to invest in India in different sectors, the intention of the *Atmanirbhar Bharat Abhiyan* to affect China economically becomes much clearer.³⁵ Hence, for successfully executing India's campaign on becoming self-reliant, India needs to be extra cautious of China's competition with Indian business. Cheap Chinese products give a tough fight to Indian products both domestically and internationally. This competition also extends to products that have acquired a GI tag, such as *Banarasi sarees and brocades*. The government has been keen to promote handwoven *Banarasi sarees and brocades* as high-end niche products, but cheap Chinese fabrics are flooding the markets and are driving local Indian weavers out of business. Cheap Chinese fabrics are imported into India in large quantities, and are embroidered using machines that are also imported from China. These sarees are then sold at meagre prices ranging from ₹500 to ₹600 apiece, whereas a genuine handwoven *Banarasi saree* is not sold for less than ₹1800, as it takes a week to make one saree alone.³⁶ To curb such practices, five inspection bodies have been identified by the applicant group. Even a high-security nano-particle-embedded fusion label has been introduced by the Silk Mark Organisation of India (SMOI) as a mark of purity, but much impact has not yet been created.³⁷

India's cultural past and heritage is well guarded and preserved. It is passed on to families just like a crown is passed on in a monarchy. Despite its vivid cultural heritage, only 370 GI tags have been granted (as of December 2020). There are many cultural treasures that don't get the opportunity of enjoying the benefits of GI. An example could be the *Judima wine*, which is the traditional rice wine of the *Dimasa* tribe of Assam. The making of this wine is an elaborate procedure which is made by fermenting *Bora rice* also called *Bairing*. *Judima* has also been proved to have many health benefits. However, despite it being a well-preserved traditional knowledge of the *Dimasa* tribe, it is struggling to acquire a GI tag as its proof of origin cannot be established. For establishing a 'proof of origin' one needs to provide documentary evidence such as gazetteers, news articles, published documents, etc. Such documentary evidence could

³⁵ Arindam Gupta, *Can Atmanirbhar Alone Help Us Deal With The Chinese*, OUTLOOK INDIA (Oct. 25, 2020), <https://www.outlookindia.com/website/story/opinion-is-atmanirbhar-bharat-abhiyaan-enough-to-compete-with-the-chinese-growth-and-its-aggression/362946>.

³⁶ *Chinese clones eat up Banarasi sari market*, INDIA TODAY (Jul. 27, 2010), <https://www.indiatoday.in/business/india/story/chinese-clones-eat-up-banarasi-sari-market-79375-2010-07-27>.

³⁷ *Supra* note 15, at 111.

not be established for *Judima* wines.³⁸ Due to a similar reason, the world-famous *Hyderabadi Biryani* has also not been able to acquire a GI tag for itself.³⁹ The government must relax the requirement of ‘proof of origin’ so that many other goods can fall under the GI tag and contribute towards India’s journey of becoming *Atmanirbhar*.

The government must also conduct a pan-India survey at frequent intervals, to chalk out products/goods which may qualify for GI protection. The government in such cases must take a *suo motu* approach for acquiring GIs. One such potential product could be the *Awadhi cuisine*. The present-day *Awadhi cuisine* finds its roots in the kitchens of the Nawabs of Awadh in Lucknow. Methods of cooking such as *dum style*, *dhungar style*, *galavat*, *ghee durust*, *loab*, *baghar*, *gile hikmat*, have been invented by *bawarchis* and *rakabdars* of Awadh. Dishes such as *kakori kebabs*, *shami kebabs*, *pasanda kababs*, etc. have been directly associated with *Awadhi cuisine*. It has also been supported by sufficient documentary evidence. These dishes are globally marketed for a huge premium. Even after these dishes became famous world-wide, they have not lost their nexus with their place of origin, as most places serving these dishes hire chefs who possess traditional knowledge for preparing these delicacies. However, to date, not many attempts have been made to protect this cuisine through GI.⁴⁰ Hence, the government must locate such treasures and take *suo motu* action for acquiring a GI tag.

CONCLUSION

Atmanirbhar Bharat Abhiyan is not a mere campaign, but a revolution. It is a revolution towards celebrating India’s rich culture and heritage. It is a revolution towards boosting India’s production capacity, increasing exports, decreasing imports, and making each Indian self-sufficient. Even though the campaign’s primary focus was to relieve India from the economic crunch caused to it by the outbreak of COVID-19, its effect would not be limited to India’s financial upliftment. This campaign is like a stone that is forcefully thrown into still water, i.e., India causing a ripple effect with its ripples being far-reaching. This campaign, if implemented properly, has the potential of reshaping the Indian economy. Like any other revolutionary step, this campaign can’t be successful without adequate reforms being undertaken to the already existing legal regime. One such area is undoubtedly geographical indications. Geographical

³⁸ Jupi Gogoi, ‘*Judima*’ *The Traditional Rice Wine of Dimasa Community of Assam: A Potential Candidate for GI Registration*, 21 J. INTELL. PROP. RTS. 238-242 (2016).

³⁹ *Hyderabadi Biryani fails to obtain GI tag*, INDIA TODAY (Mar. 9, 2017, 6:00 PM), <https://www.indiatoday.in/pti-feed/story/hyderabad-biryani-fails-to-obtain-gi-tag-888021-2017-03-09>.

⁴⁰ *Supra* note 18, at S-21.

indications are granted to products having a nexus to their place of origin. Usually, the products which acquire GI tags are produced by local farmers, artisans, craftsmen, etc. Many of these products also fall under the ambit of traditional knowledge and cannot be produced by any other individual or group of individuals. GI is a reward to such people. It provides them with benefits such as premium, market monopoly, product popularity, market reputation, etc. Unlike the *Make in India* campaign, the *Atmanirbhar Bharat Abhiyan* aims at making every individual *Atmanirbhar*. Amending the current GI regime in India is the best way of providing the benefits of this campaign to such producers or manufacturers. Many of these people don't have any other skill than producing or manufacturing such products. If these products are protected through a GI tag, their revenue will sufficiently increase. There have been several instances where the financial conditions of local producers improved post-grant of GI. Similarly, a GI tag substantially increases employment. It also promotes further preservation of such treasures. The benefits of GI protection are not limited to the producers, but expands to every individual who is involved in the production cycle. But it has been observed that due to many shortcomings, the benefits of GI tags have not been optimally exploited by the producers. While many producers usually are unaware of the process of acquiring a GI tag, many get disadvantaged by malpractices such as counterfeiting, free riding, etc. Further, as GI is a territorial right, many producers do not get all the benefits as they lack the means of registering their GIs abroad. Legal requirements such as documentary proof for 'proof of origin', also creates an added hurdle in acquiring GIs. GIs are an essential facet for ensuring the success of *Atmanirbhar Bharat Abhiyan* provided the government takes appropriate steps to bring amends in the current regime.

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