
Geographical Indications as Legal Tools for Protecting Traditional Products and Regional Development: A Study of Saurashtra with Special Reference to Bhavnagari Gathiya

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ABSTRACT

Geographical Indications (GIs) constitute a distinctive category of intellectual property that protects products whose quality, reputation, or other characteristics are attributable to their geographical origin. In India, GI protection plays a crucial role in safeguarding traditional knowledge, preventing misappropriation, and promoting regional development.¹ This article examines the operation of GI law in the Saurashtra region of Gujarat by analysing selected registered products and evaluating the legal position of Bhavnagari Gathiya, a traditional snack that remains unprotected. By comparing Ratlami Sev, a successfully registered GI, with the article's assessment, the article identifies legal, scientific, and institutional challenges and argues for urgent GI registration to prevent genericisation and preserve regional identity.

1. Introduction

Geographical Indications differ fundamentally from other forms of intellectual property as they protect collective reputation rather than individual innovation.² Their value lies in the demonstrable link between a product and its geographical environment, encompassing natural and human factors. India has

adopted a sui generis legal framework for GI protection through the Geographical Indications of Goods (Registration and Protection) Act 1999, in compliance with its obligations under the TRIPS Agreement.³

The Saurashtra region provides an illustrative case study of GI law in practice. Its products are shaped by distinctive soil composition, water quality, climatic conditions, and inherited artisanal practices. While several such products have secured GI registration, others—most notably Bhavnagari Gathiya—remain outside the legal framework, rendering them vulnerable to misuse and dilution.

2. Legal Framework Governing Geographical Indications in India

The Geographical Indications of Goods (Registration and Protection) Act 1999 establishes the statutory basis for GI protection in India. Section 2(1)(e) defines a GI as an indication identifying goods as originating in a territory where a given quality, reputation, or other characteristic is essentially attributable to that origin.⁴ The Act conceptualises GIs as collective rights, requiring applications to be filed by associations or organisations representing producers.

The Act grants registered proprietors exclusive rights to use the GI and provides civil remedies against infringement and deceptive practices.⁵ Section 9 excludes indications that have become customary in the common language, highlighting the importance of timely registration to prevent loss of distinctiveness. These provisions operate consistently with Articles 22–24 of the TRIPS Agreement.⁶

3. Registered Geographical Indications in the Saurashtra Region

3.1 Gir Kesar Mango

The Gir Kesar Mango demonstrates effective use of scientific evidence to establish its geographical linkage. Cultivated in the Girnar foothills, the mango benefits from calcareous soil, which enhances sugar concentration and pulp colour, while its distinctive volatile oil profile contributes to its characteristic aroma.⁷ These factors collectively satisfy the legal requirement of origin-based distinctiveness.

3.2 Jamnagari Bandhani

Jamnagari Bandhani derives its uniqueness from the chemical composition of local water sources used in the dyeing process. The mineral content and pH levels function as natural mordants, resulting in

superior colour fixation.⁸ This hydrological specificity has been recognised as a determinative geographical factor for GI protection.

3.3 Tangaliya Shawls

Tangaliya Shawls are produced using a unique weaving technique practised exclusively by the Dangasia community of Surendranagar. GI registration has prevented industrial replication and contributed to the preservation of traditional livelihoods.⁹

3.4 Rajkot Patola

Rajkot Patola represents a regional variation of the Patola tradition through its Single Ikat technique. Legal recognition of this variation prevents market confusion and ensures independent protection of regional craftsmanship.¹⁰

4. Bhavnagari Gathiya and the Risk of Genericisation

Bhavnagari Gathiya is a traditional savoury snack closely associated with the city of Bhavnagar. Despite its popularity, it has not been registered as a GI. The continued use of the term ‘Bhavnagari’ by manufacturers outside the region risks rendering the name generic, which would permanently bar it from registration under section 9 of the GI Act.¹¹

5. Comparative Analysis: Ratlami Sev

The registration of Ratlami Sev as a Geographical Indication provides a legally and practically instructive model for unregistered traditional food products such as Bhavnagari Gathiya. Ratlami Sev was granted GI status in 2014–2015 following a comprehensive application submitted by the Ratlam Sev Producer Welfare Association, which successfully demonstrated the product’s historical continuity, geographical linkage, and collective producer identity.¹²

Historically, Ratlami Sev has been closely associated with the Malwa region of Madhya Pradesh. Documentary evidence traced its origins to the nineteenth century, when local artisans adapted wheat-based vermicelli recipes to gram flour due to the unavailability of wheat in the region. This adaptation, allegedly patronised by the rulers of the Ratlam princely state, helped establish Ratlami Sev as a region-specific culinary identity rather than a generic snack. Such historical narratives played a crucial role in satisfying the ‘reputation’ criterion under the GI Act.

From a scientific perspective, the GI application relied heavily on empirical evidence to establish non-replicability. Studies highlighted the alkaline nature of groundwater in Ratlam, which interacts with gram flour to produce a distinctive porous texture. Additionally, Ratlam's climatic conditions—particularly its moderate humidity—were shown to influence the retention of volatile spice oils during frying. The use of locally sourced spices, especially cloves and black pepper in specific proportions, further reinforced the product's geographical specificity.¹³

Institutionally, the presence of a unified producer association proved decisive. The association ensured standardisation of production practices, collective representation before the GI Registry, and post-registration enforcement. This organisational structure addressed a key procedural requirement under Indian GI law and ensured that benefits accrued to local producers rather than intermediaries. The Ratlami Sev case thus illustrates that successful GI registration requires not only cultural authenticity but also legal preparedness, scientific substantiation, and institutional cohesion—elements that are presently lacking in the case of Bhavnagari Gathiya.

6. Scientific Evidence and the Requirement of Distinctiveness

For Bhavnagari Gathiya to qualify for GI registration, uniqueness claims must be substantiated through empirical research. Factors such as water salinity, coastal humidity, oil composition, and spice characteristics require laboratory validation. Such evidence is central to demonstrating that the product cannot be authentically replicated outside its region of origin.

7. Socio-Economic Significance of GI Protection

GI protection yields benefits beyond legal exclusivity, including price premiums, employment preservation, and regional development. Empirical research indicates that GI-tagged products contribute to rural development while safeguarding cultural heritage.¹⁴

8. Recommendations: Bhavnagari Gathiya

1. Establishment of a registered association representing Bhavnagari Gathiya producers.
2. Collaboration with academic and research institutions for scientific documentation.
3. Preparation of a comprehensive GI technical dossier.
4. Institutional support from state authorities to facilitate registration.

9. Conclusion

Geographical Indications function as essential legal mechanisms for protecting traditional products and ensuring that economic value remains within the region of origin. While Saurashtra demonstrates the benefits of GI protection, the continued exclusion of Bhavnagari Gathiya highlights the consequences of legal inaction. Timely GI registration is therefore imperative to prevent genericisation and preserve regional identity.

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