International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Geographical Indications and the Right to Equitable Economic Benefits: A Critical Legal Study of Farmers and Artisans in Punjab

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Abstract
Geographical indications (GIs) are a category of products that are associated with a specific geographical origin, distinction or special features, through which consumers are informed of their geographical origin, and which have ceased to be produced or not produced in that area. But the assurance of GI does not guarantee to the farmers and artisans producing these products that they benefit fairly economically. This paper highlights this dimension with reference to the cultivation of Basmati and embroidery of Phulkari in Punjab. It explores the legal framework in India to gain insights into the role of GI protection to producers and its shortcomings. The paper contends that GI law may help to prevent unfair uses of geographical names but has no power to ensure fairly priced markets and living incomes or sharing of profits. It also explores the prospects and challenges of farmers and artisans achieving better access to markets and improved returns on their work, as well as accessing decision making and development processes. Study material comprises provisions of law, records and literature. It recommends the strengthening of producer organisations, transparency in trading, easier and better registration and effective enforcement of GI protection. They can contribute to linking up the economic benefit of GIs and the livelihoods of the producers industries to them.

Keywords: Geographical indications; Punjab; Basmati; Phulkari; equitable benefits; authorised users; collective governance.

1. Conceptualising equitable economic benefits

A GI has a function of informing and excluding. It points at a product that is traced back to its origin and thus enables action on incorrect geographical origin representations and on unfair competition. Under TRIPS, as to Article 22, protection is linked with a quality, reputation and/or other characteristic considered wholly or essentially derived from origin. This correlation offers a rationale for the fact that the geographical reputation can be a common economic asset. It does not mean that the collective goodwill of all those contributing to the goodwill always belongs to the prior seller and is transferable to all subsequent sellers. Economic benefits need to be broken down into components. Increased consumer price is not the same as higher farm income, an increase in enterprise turn-over is not the same as higher earnings by artisans, etc., and higher exports are not

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the same as improving their bargaining power. The defensible assessment should take into account exposure to rejection, access to buyers, exposure to the time required to get paid, net receipts after compliance and production costs, and control over commercial decisions. What just means having a fair benefit doesn't automatically translate to equal parts, mathematically. They need to be distributed in a reasonable manner which is attentive to contribution, risk, bargaining disadvantages and maintenance of collective resources.[3]

Economic benefits must therefore be disaggregated. A higher consumer price is different from greater farm income; higher enterprise turnover is different from higher artisan earnings; increased exports are different from improved bargaining power. A defensible assessment should examine net receipts after compliance and production costs, payment timeliness, exposure to rejection, access to buyers and control over commercial decisions. Equitable benefits need not mean mathematically equal shares. They require a justified distribution attentive to contribution, risk, bargaining disadvantages and the maintenance of collective resources.

Four dimensions follow. Distributive equity concerns who receives additional value. Procedural equity concerns participation in standards, budgets and enforcement priorities. Recognitional equity concerns whose knowledge and labour are acknowledged, particularly women undertaking home-based embroidery. Intergenerational equity concerns whether production remains economically and environmentally viable for future cultivators and craftspeople. These are analytical criteria proposed here; they should not be confused with a four-part statutory test already prescribed by Indian legislation.

The FAO/SINER-GI framework links identification, qualification, remuneration and reproduction of local resources. Its importance lies in treating protection as one stage in a development process rather than its endpoint. A registered name may command attention, but commercial organisation determines whether attention becomes income. Collective action can reduce individual marketing costs, while weak organisation may leave producers dependent on buyers who possess capital, information and distribution networks. These possibilities explain why GI success must be evaluated beyond the number of certificates issued.[4]

There is also a necessary distinction between external and internal justice. External protection restrains outsiders who improperly exploit geographical reputation. Internal justice regulates relationships among legitimate participants inside the chain. Strong external enforcement can coexist with low wages or unequal bargaining within the protected territory. The research therefore rejects a simple equation between exclusivity and fairness. Its preferred approach asks

3 The Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994, arts. 22–24.

4 Emilie Vandecandelaere, Filippo Arfini, et.al., Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications (FAO and SINER-GI, Rome, 2009), available at: https://www.fao.org/4/i1057e/i1057e00.pdf (last visited on November 6, 2026).

whether institutions translate collective reputation into transparent, contestable and sufficiently broad opportunities for livelihood improvement, while preserving legitimate processing, marketing and innovation incentives.[5]

2. International and Indian legal architecture

TRIPS establishes minimum international standards rather than a worldwide GI title. Article 22 requires legal means against misleading geographical use and unfair competition. Article 23 supplies additional protection for wines and spirits; it should not be automatically attributed to Basmati or Phulkari. Article 24 contains negotiations and exceptions. The resulting international framework principally addresses protection and market identity. It does not prescribe a minimum farmgate price, artisan remuneration formula or compulsory sharing of a retailer's geographical premium.[6]

India's 1999 Act defines geographical indications in section 2(1)(e). For manufactured goods, the provision requires one of production, processing or preparation to take place within the relevant territory. This statutory definition must be read alongside the particular registered specification: territorial presence alone cannot establish compliance with every product requirement. Section 11 permits representative associations, organisations and statutory authorities to apply. The requirement of representation matters because the applicant acts in relation to a reputation sustained by multiple producers rather than merely promoting an individual business.[7]

The Act separates the registered proprietor from authorised users. Section 17 provides a route for a person claiming producer status to seek authorised-user registration. Section 21 gives the registered proprietor and authorised users rights to obtain infringement relief, while conferring the exclusive use right on authorised users, subject to registered conditions and limitations. Section 21(3) also prevents coexisting authorised users from treating registration alone as a basis for excluding one another. Registration thus constructs shared protection, not ordinary individual ownership of the geographical name.[8]

Section 22 addresses infringement, including misleading origin representations and unfair competition. Section 24 prohibits assignment, transmission, licensing, pledge, mortgage and comparable arrangements concerning a registered GI right, subject to its succession proviso. Accordingly, proposed commercial reforms should concern supply agreements, marketing services and collective administration, not private licences purporting to transfer the GI itself. Section

5 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 21, 22.

6 The Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994, arts. 22–24.

7 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 2(1)(e), 11. 8 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 17, 21.

22(4) also recognises lawful further dealings in genuine goods, subject to impairment of their condition. Enforcement must distinguish deceptive products from legitimate resale.[9]

Crucially, these provisions do not create a general obligation to distribute a fixed share of downstream profits to primary producers. Nor does authorised-user registration itself guarantee orders, working capital or a profitable price. The legal architecture supports a platform on which distributive arrangements can be built, but cannot substitute for those arrangements. This distinction is the paper's central doctrinal finding: the existing right is predominantly a protecteduse and enforcement right; equitable remuneration requires additional contractual, organisational or legislative mechanisms.

3. Constitutional foundations and limits

A distributive reading of GI policy can draw normative support from the Constitution of India without

overstating what constitutional law presently guarantees. Article 14 addresses equality before law and equal protection; article 19(1)(g) protects citizens' occupational freedom, subject to constitutionally permitted restrictions. These provisions are relevant where public administration of producer-facing schemes becomes arbitrary or unjustifiably exclusionary. They do not, by themselves, determine what percentage of the retail price a Basmati cultivator or Phulkari embroiderer must receive.[10]

The Directive Principles supply a more explicit social-economic orientation. Article 38 concerns a social order informed by justice and the reduction of inequalities. Article 39(a) addresses adequate means of livelihood, while article 39(c) addresses concentration of wealth and means of production to the common detriment. Article 43 refers to a living wage, decent conditions and promotion of cottage industries. Together, these provisions support evaluating publicly assisted GI programmes by their contribution to livelihoods rather than by registration totals alone.[11]

The limitation is equally important. Under article 37, the Directive Principles are not enforceable by courts, although fundamental in governance and relevant to lawmaking. A paper cannot transform their policy guidance into an already enforceable GI-specific entitlement to royalties. Nor should article 39(b) be used casually to claim that every commercial GI interest has conclusively been classified as a material resource of the community. The stronger argument is institutional: state-supported collective protection should be designed consistently with constitutional commitments to substantive inclusion.[12]

9 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 22(4), 24.

10 The Constitution of India, arts. 14, 19(1)(g), 19(6).

11 Id., arts. 38, 39(a), 39(c), 43. 12 Id., art. 37.

Gender strengthens that institutional argument. Articles 15(3) and 39(d), concerning special provision for women and children and equal pay respectively, support attention to women's position in producer institutions and remuneration arrangements. Their relevance does not establish that every home-based embroiderer has the same employment status or an identical cause of action against every intermediary. Determining enforceable wage rights requires attention to the actual relationship and applicable labour law. GI policy should complement, not displace, those separate inquiries.[13]

A constitutionally informed reform agenda should therefore prioritise fair access to public assistance, transparent eligibility, opportunities to be heard and reasoned administrative decisions. Where state agencies support registration, exhibitions or verification, participation criteria should be published and consistently applied. Public financing can reasonably be tied to auditable inclusion measures within the lawful terms of the scheme. Such measures create accountable policy instruments rather than unsupported claims that constitutional ideals automatically amend private contracts. The distinction preserves both doctrinal accuracy and the transformative value of an equity-oriented interpretation.

4. Basmati farmers: protection without assured transmission

The official GI Registry identifies Basmati under application number 145, with the Agricultural and Processed Food Products Export Development Authority (APEDA) as applicant. The entry records a certificate dated February 15, 2016 and a geographical area including Punjab, Haryana, Himachal Pradesh, Delhi, Uttarakhand, Uttar Pradesh and Jammu and Kashmir, as described in that record. Punjab is therefore part of a wider protected production geography, not the exclusive territorial owner of Basmati. Interstate coordination is inherent in any credible governance proposal.[14]

Certificate issuance must also be distinguished from the legal date of registration. Section 16 provides for registration, once completed, as of the application date, subject to its terms. The registry records Basmati's filing date as November 26, 2008. The February 2016 certificate date should not therefore be presented without qualification as the only legally relevant date. Similar care is necessary when discussing territorial coverage: the registered documents, rather than assumptions about present administrative boundaries, govern the protected area.[15]

13 Id., arts. 15(3), 39(d).

14 Geographical Indications Registry, "Basmati: Application No. 145", available at: https://search.ipindia.gov.in/GIRPublicSearch/Application/Details/145 (last visited on November 6, 2026). 15 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 16; Geographical Indications Registry, "Basmati: Application No. 145", available at: https://search.ipindia.gov.in/GIRPublicSearch/Application/Details/145 (last visited on November 6, 2026).

The distributive problem can be explained through the value chain without inventing a measured premium. Cultivators supply the agricultural product; other actors may perform drying, milling, grading, storage, packaging, branding and export functions. Each function can add legitimate value and incur costs. However, the capacity to authenticate origin or market a recognised name does not establish that higher downstream receipts are passed upstream. The necessary empirical inquiry is into contracts, procurement prices, deductions and risks, not simply the international reputation of Basmati.

Section 2(1)(k) is significant because its agricultural producer definition includes persons who process or package the goods. Legal producer status is consequently broader than cultivation alone. An institution may comply with this broad category while still giving insufficient influence to small cultivators. Representation should therefore be assessed by functional constituency: farmers, processors and packagers contribute differently and may have conflicting priorities over quality thresholds, delivery schedules and inspection costs. Treating them as an undifferentiated producer community can conceal unequal bargaining positions.[16]

A practical response would combine accessible registration assistance with farmer-controlled aggregation and transparent purchase arrangements. Contracts should identify quality parameters, sampling procedures, permissible deductions, payment dates and review mechanisms for rejection. Any proposed premium-sharing formula must identify the reference price, eligible quantity, verification costs and payment recipient. These are recommendations, not duties created automatically by the GI Act. Their justification is that enforceable and understandable trading arrangements are more likely than symbolic recognition alone to connect protected reputation with the cultivator's actual economic position.[17]

5. Phulkari artisans: gender, authenticity and recognition

Phulkari is recognized under the GI Number 27 with applicant Punjab Small Industries and Export Corporation Ltd, and the geographical area as Punjab, Haryana and Rajasthan. It contains a filing and a certificate dated March 14, 2005 and October 22, 2010. These primary-source dates should be followed over rather indistinct secondary-dates based on the tag being awarded in 2009 or 2011. The linkage of filing and registration with a certificate must be preserved for the case of Fusel as well as for Basmati.[18]

16 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 2(1)(k)(i).

17 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 17, 21.

18 Geographical Indications Registry, "Phulkari: Application No. 27", available at: https://search.ipindia.gov.in/GIRPublicSearch/Application/Details/27 (last visited on November 6, 2026). The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 16.

There are distributional implications to Phulkari that are different from that of agriculture procurement. Despite the commercial product incorporating time, technique and culinary knowledge, there may be limitations on design commissioning, finished product sales and relationship with the customer being within the remit and control of the embroiderer rather than the product. Labour component can be recurrent, but not easily recognised as part of home production. Thus, proving the geographical reputation of the craft does not imply the identification of the specific maker, the nature of her payments or the power she has over the decisions of marketing. They should be concerns for institutions, not for all enterprises.

Concrete reasons for concern: published reporting. This was reported by the Tribune in the month of August 2026 with the artisans of Amritsar and the Tarn Taran zone talking about a rival from cheaper machine-made alternatives and less recognition and returns for their hard work. It also announced the one position they took; they're encouraging fairs, exposure, product diversification. The competing narratives underline a policy paradox – promotional activity of some sort may be of help, but producers wonder if they will make sense of the top-down economics of manual production. The report is NOT an income survey or a representative report.[19]

The legal answer must be accurate. The mere objection of artisans to mechanisation does not constitute a GI infringement. Examination of the applicable specification, period of authorisation, territorial requirements and type of representation are to be made. But there are different questions raised from false handmade to a false geographical origin. It is important to note that the protection for exercise of rights to 'GI' does not extend to every floral motif; nor is it meant to prevent any kind of embroidery made on a particular tradition. The proof of the relevant legal wrong is key to the enforcement credibility.[20]

The Phulkari programme in equities needs to be supported by practical negotiations such as giving recognition to makers. Suggested interventions range from documenting job and piece rates, recording delivery times, providing written job descriptions, and transparency of rejected work and delivery records. Consumers may be able to make a informed choice if labels are used to market products as handcrafted where they are, so long as information is reliable and consumer's privacy is protected. Part of the participation of women in producer committees must be accompanied by meaningful influence on expenditure and the standards. However, if there are no

19 Akhil Kumar, "Phulkari crisis: GI tag fails to protect artisans from machine-made competition", The Tribune, Aug.

9, 2026, available at: https://www.tribuneindia.com/news/features/the-phulkari-crisis-gi-tag-fails-to-protectcraftspersons-against-competition-from-machine-made-phulkaris/ (last visited on November 6, 2026).

20 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 2(1)(e), 21, 22.

commercial and organisational protection against cultural celebration, it values the reputation of the craft and on the other hand harms the livelihoods that are regenerative of it.[21]

6. Shared structural barriers and evidentiary cautions

There is a common theme between the two, there is an eligibility criterion and there is also a capability criterion. The same farmer or artisan may be part of the knowledge community that is relevant to their situation, but not have the information, documentation, time or assistance necessary for them to be effective. Section 17 does provide a legal procedure to authorised-user registration, but a procedure doesn't equal practical accessibility. It is important that there is a real baseline assessment in a programme within Punjab to identify the population groups facing impediments. This paper does not suggest the public list by itself or testimony by itself to be statewide in scope.

Representative from producer interests under Section 11 but simply being present at point of application does not mean a continuing obligation to the Representation of all the producer constituencies. There should be institutional assessment focusing on membership, election procedures, access to meetings, accounts and distribution of enforcement resources. Conflicts of interest could occur if actors who purchase from primary producers also control the standards or promotions. Transparent governance can recognise that there is legitimate expertise within the free market, but not let it become unchecked control.

Third, verification has distributive implications. Trust will be upheld by traceability and product tests/inspections but costs could be quite different for large companies versus small growers. The standard may seem neutral, though once that digital infrastructure is taken into account, it could make a seemingly neutral standard exclusionary. But the lack of verification will cause reputational damage to compliant producers. The correct answer is Proportionate, Risk Based Assurance—Shared Facilities, Facilitated Recordkeeping or that component to demonstrated risk intensity of inspection. The principles in these proposals do not mean that the existing law necessarily mandates a specific technology.

Fourth, market visibility is not necessarily a determinant of the bargaining power of entrepreneurs. Buyer contact can be created in exhibitions or on online store fronts, but producers also require trustworthy fulfilment, working capital and clear commission terms and dispute resolution. If control over listings, customer data and payment is still in the hands of the intermediary, then digital platforms may maintain an intermediary dependence. Reliance on participation in fairs or

21 Emilie Vandecandelaere, Filippo Arfini, et.al., Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications (FAO and SINER-GI, Rome, 2009), available at: https://www.fao.org/4/i1057e/i1057e00.pdf (last visited on November 6, 2026).

simply listing products should therefore not be considered as evidence of livelihood improvement, but rather looking at the full transaction, from ordering to settlement.

Lastly, there is restraint in making causal claims. Comparing GI and non-GI products can include the fact that the quality and/or scale of the product, or its brand or market access may vary rather than its level of protection. Any changes over a period of time can be due to exchange rates, demand, input costs, product composition. Effect of registration, effects of the participation of its authorised users, its 'gathering' outcomes with its associated token/marketing efforts, effects of public support for registering the Research.

There is a clear evidentiary case for increasing equity: no reliable monitoring data of incomes means no excuse for not monitoring them and ensure they are not fabricated for to shore up the income argument and claim that universally GI recognition was failing all over Punjab.

7. Suggestions for Legal and Policy Reforms

Improving the economic position of farmers and artisans in Punjab requires more than the registration of geographical indications. Legal and policy reforms should focus on fair returns, better market access and meaningful participation in decision-making. The following suggestions aim to make GI protection more effective and beneficial for the communities that produce these goods.

At first of all, a coordinated programme of GI livelihood should be developed in Punjab which has different agricultural and craft programmes. The first job in its business should not be a standalone number. District assistance camps could provide information on eligibility, assemble supporting documents and the application for assistance under section 17. It is important that the assistance is available in understandable and accessible language in Punjabi and is geared towards the workplace of cultivators and home-based artisans. Support agencies should also clearly state their role in the media and not shy away from emphasizing that the state's role is not to supplant the Registrar's statutory decision-making responsibility.[22]

Secondly, public support should be increased for representative governance. Proposed conditions of the granting can include rules that need to be published, regular meetings, an up-to-date accountability report and disclosure of material conflicts. The engagement of primary cultivators and women embroiderers in the process should be evidenced and not assumed from the role names. Depending on the difference in material interests of the separate constituencies, separate constituencies may be required. The conditions should be expressed in legally authorised schemes

22 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 17.

or instruments and not as powers, subject to which all registered proprietors are available for automatic use by all market participants.[23]

Third, fair trading should be dealt with by the use of model contracts and by producer controlled aggregation. All basmati agreements must outline sampling, quality measurement, rejection review and payment. The following should be agreed for the phulkari work: Material, Design, Piece Rates, Time for completion, Treatment of defective works etc. While collective marketing arrangements can provide for better terms than the ones negotiated by the individual marketer and its members, they must NOT claim to license or transfer the GI in violation of section 24. Connections with premium sharing structures under the contract are possible, but without such a clear legal basis, they are not possible in a universally compulsory premium-sharing system.[24]

Fourth, documented risks to be targeted for verification and enforcement. There are various ways that this testing and tracing service can be shared, thereby cutting down the fixed testing and tracing cost. For Phulkari, it should be distinguishing – verified origin from separately verified handwork. The procurement records for Basmati should further aid traceability, rather than just serve as a marketing tool. Taking evidence and advising on legal assessment should be the first step in any public enforcement proceedings, with focus on providing evidence that is legally appropriate, and complying with section 22(4). Such blanket charges would lead to unfair procedures and damage the integrity of the reputable producers.[25]

Fifth, a benefit policy should be assessed once every year. Indicators include participation in governance, as well as net producer receipts, payment delays, access across producer groups, and complaint resolution and compliance expenditure. Reporting and grant linked reporting in accordance with the orders can commence within appropriate administrative arrangements in voluntary disclosure. Consideration may be given to inserting clear producer consultation requirements, reporting and reasoning procedures in GI laws, but with careful formulation. In a way, such reform would give some remedy to the failing of collective protection and accountable administration that is no offered by law in a way that would not guarantee a market premium.[26]

8. Implementation, remedies and future research

Clear assignments of responsibility are necessary for implementation. The Registration is conducted by the Registry in accordance with the provisions of the Act; the registered proprietors give effect to the registration under the Act within their lawful authority; the Punjab agencies

23 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 11.

24 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), s. 22(4).

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26 Emilie Vandecandelaere, Filippo Arfini, et.al., Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications (FAO and SINER-GI, Rome, 2009), available at: https://www.fao.org/4/i1057e/i1057e00.pdf (last visited on November 6, 2026).

arrange development assistance and; producer organisations negotiate and offer services. These are overlapping, but not interchangeable, positions. The institutional starting points for APEDA and the corporation for Phulkari are identifiable, the Basmati and the Phulkari; and there is a need for coordination beyond Punjab in the shared territories of both GIs. Any state programme which claims to redraw a registered geographical boundary is not a programme.[27]

The process would start with documentation and consultation, then move on to implementing commercial arrangements and then build on the findings from those arrangements. It may be necessary to conduct an initial phase to map producer participation and review existing standards. A second could assess the effectiveness of assisted registration, contract transparency and common verification centres in a sample of clusters. A third might evaluate potential income, compliance costs and governance results prior to the wider adoption. Costs and timelines need to be based on something other than a guess; bogus costs or promise of specific completion dates would be misleading.

Remedies ought to meet the wrong. Using a registered GI in a misleading designation of the product is a violation of sections 21 and 22. An allegedly arbitrary public benefit decision answers a different administrative question, than not paying. Disputes about a handmade representation do not necessarily have to be the same as disputes about geographical origin. A producer's help desk should be a place where these issues are addressed as part of the triage process and not all demands for them go into the costly intellectual property litigation bucket. The assistance offered here bolsters measures that are statutorily available; it does not grant jurisdiction in an otherwise un-authorised body.[28]

Monitoring should also safeguard sensitive information. Information should only be gathered from producers for a specific purpose and where possible be reported in an aggregate manner in producer

surveys. There need not be public disclosure of all household incomes or commercially sensitive contracts for there to be public transparency of collective expenditure. There should be independent assessments of administrative indicators and welfare outcomes. Higher access numbers by more authorised users does not necessarily indicate higher income, and higher complaint numbers are not necessarily interpreted as poorer compliance and accessibility.

27 Geographical Indications Registry, "Basmati: Application No. 145", available at: https://search.ipindia.gov.in/GIRPublicSearch/Application/Details/145 (last visited on November 6, 2026).
Geographical Indications Registry, "Phulkari: Application No. 27", available at: https://search.ipindia.gov.in/GIRPublicSearch/Application/Details/27 (last visited on November 6, 2026).

28 The Geographical Indications of Goods (Registration and Protection) Act, 1999 (Act 48 of 1999), ss. 21, 22.

Evaluation should assess these relationships and not just the surface improvement in the numbers.[29]
Combining confidential producer interviews, transaction records and comparative analysis also ought to be included in future research. Questions to consider for Basmati are: Do verified-origin arrangements affect the net return after quality and marketing costs? In the case of Phulkari, study needs to be made on effective earnings, control over earnings, pricing of verified handwork and decision making power of women. Comparisons must consider the selection into the registration or collective organisations. Such work would both confront the mechanisms proposed here and be limited in scope by a doctrinal paper: the analysis of rights and the gaps in institutions would not replace a credible measurement of livelihood impacts.[30]

9. Conclusion

The case of Basmati and Phulkari in Punjab shows the importance of carefully wording the promise of development of GIs. The official records create protected products that include areas beyond Punjab. The GI Act provides for representative registration, participation of authorised users and remedies for specified misuse. These are significant legal resources. They do not constitute a full right to equitable economic benefits; and the reputation of a product and its registration certificate do not guarantee fair access to the commercial value for cultivators and embroiderers.
The problem lies in the lack of internal distribution coupled with external protection. Basmati asks questions regarding the value and risk sharing in the procurement, processing, branding and exporting system. The invisibility of the skilled handwork, women's commercial agency and the difference between original and verified production of handwork are questions that Phulkari raises. These concerns are linked by differential power to determine market terms, but do not have to be identical solutions. The need for different practical protections in the context of accountable collective protection in agricultural contracts and craft remuneration.
The commitments in the Constitution on livelihood, equality and decent conditions provide more weight to the case for reform still within doctrinal boundaries. The governance is laid out in guidelines provided by the Directive Principles and it does not necessarily lead to the creation of a

29 Emilie Vandecandelaere, Filippo Arfini, et.al., Linking People, Places and Products: A Guide for Promoting Quality Linked to Geographical Origin and Sustainable Geographical Indications (FAO and

SINER-GI, Rome, 2009), available at: https://www.fao.org/4/i1057e/i1057e00.pdf (last visited on November 6, 2026).

30 Akhil Kumar, "Phulkari crisis: GI tag fails to protect artisans from machine-made competition", The Tribune, Aug.

9, 2026, available at: https://www.tribuneindia.com/news/features/the-phulkari-crisis-gi-tag-fails-to-protectcraftspersons-against-competition-from-machine-made-phulkaris/ (last visited on November 6, 2026).

recoverable GI royalty. TRIPS does not prescribe a distribution formula for geographical indications. Indian law also provides a protective base instead of an income mechanism. The only legal answer, then, is to come up with a way to find all the duties that need to be created by contract, public scheme or legislative amendment, rather than propose that courts will automatically be able to find a complete code of benefit-sharing in registration.

The proposed framework is a mixture of assisted participation, meaningful representation of producers, transparency of trading terms and proportional verification and outcome based evaluation. Nothing is enough without the others. Registration without markets is simply symbolic, whereas marketing without registration would decrease trust, registration without cost support would reduce participation of the smaller producers, and increases in sales would leave the distribution of benefits unaffected if it were strengthened without accountable governance. Public policy is thus warranted to evaluate the synergy and potential of these instruments, and to determine if the overall operation of these instruments leads to better net gains of receipts, commercial voice and the ongoing production and reproduction of knowledge and resources.