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COMPARISON OF APPLICATION OF LAWS UPON THE AGRICULTURAL WELL AS MANUFACTURED PRODUCTS

-Dattatreya Ghosh¹

ABSTRACT

Here basically in the paper, the comparison of various approaches of GI law upon the main three applicable products namely the natural, the agricultural, as well as the manufactured products have been showed very clearly. We all know that main objective of the GI laws is to boost the economy by giving a monopoly right over the certain commodity is actually preferable. But on the other hand it is seen that within it's various applications there has been various differentiation, despite the objective of all is same and that also leads to explorations of various probabilities to further enrich the sector. Such has been clearly presented here. Firstly a thorough analysis of the applicability of the GI laws in the various three kinds of products i.e. natural, agricultural as well as the manufactured products owing to the different nature of the same. Then comparison is made upon the three kinds of products in one to one basis analysing the similarity as well as the differences of the same. All puts up in widening the floor of GI. Hence followed by that concluding the entire discussion.

KEYWORDS

Geographical indicators, Agricultural goods, Manufactured Goods, Natural Goods, Comparison, Similarity, Difference, New Innovations.

RESEARCH OBJECTIVES

1. Probability of comparison between the approach of law among natural agricultural as well as manufactured Goods
2. Similarity as well as Difference among all such goods
3. Probabilities of innovations leading to the growth of GI regime from such comparisons

¹ 8th Semester, KIIT law School, KIIT DU

INTRODUCTION

As we know clearly that the entire framework of GI is actually having the wider ambit to have covered within themselves, and day by day the scope of the same is getting enlarged. Hence in such situation, the focus of the economy is actually upon the inheritance of the benefit, from the various interpretations as well as that of the new inventions of the law. But on the other hand, we get to find out that the various basic principles, which the same is actually following does not come into focus. If we bifurcate the entire scope of GI, we get to find out that there has been three main divisions of products, upon which the entire law of GI is actually existent. We get to find out that the same are the natural as well as the manufactural products. If we come upon the definition of both the two, we get to find out that the natural products, are said to be such products, which are grown in totality, in that particular place, and the unique features of the same, actually found to have contributed upon the presence of the natural features of the particular place. On the other hand, we get to find out that the agricultural products are actually such products, which are there in commonality, with other products of the same type in various other places. But the uniqueness, which has been brought by these products, are actually the contribution of the natural features as well as the manufacturing process, which leads to the construction of the same. Then coming upon the manufactured products, where we get to find out that the application of the laws over the same, is such that it entitles the skill of a certain community to be very much special. It is totally upon an alienated way, one community of the people has created and the law's main intention of the same is found to be safeguard such interest. The same is much different to that of the other two products. Here the same is given as the right to a geo communal people, but the merit for the same is that it would actually on the basis of the artistic creation of the various people. Hence the approach of law, over the natural products are such totally different from the manufactured products. On the other hand, we get to find out that the agricultural products are actually acting as the midway, to all these two. Hence in the following faces of the of the paragraph the efficacies of such law has been properly discussed.

ANALYSIS OF APPLICATION OF LAWS OVER ALL THE THREE PRODUCTS

Analysing the approach of the law of GI on the basis of the natural products, we get to find out that there are actually several applications on the basis of the same, which is contributing to the society, some way or the other. Till date there had been in numerous natural products, which were found to be registered within the ambit of the GI tag.

NATURAL PRODUCT

First it has also found to have kept impact upon the market economy of the same product. The market economy has actually got boosted after such application. It happens through a way, where we get to find out that the counterfeiting of such products does not actually happen through the same. Hence ascertain community from the application of these are found to have attained a huge amount of expenditure from the same. As they would actually have the hold of the quantity upon which they are selling, having increased income based upon the same. And above all is the recognition, which the same is having upon the product, which it actually increases the product. This way it is found that through this the environment of the same is also getting improved day by day. And hence the approach of the law is actually acting as a mediator between that of the people and the place of that the same is actually hailing from. Hence it is actually wanting to have the coherence of the people with that of the environment there. If we get to analyse the various geographical features in growth of such item then in such situation, there is presence of the extra contributory to the products, which stands against the living structure of the persons there. For a climatic sphere to be ideal for human comfort, there is the need for the proper balancing of all the natural features. But it has been examined that for the speciality of the product to be grown in a certain place, there needed some of extra amount of such features in making, which makes the product truly exquisite. On the other hand it is found that such features, does not actually facilitate the comfort of the people. Hence some amount of struggle, the pain, discomfort the same has to go through. This also hinders the development of the same. Hence such providing of money would actually somehow or the other contribute to the development of their lifestyle. On the other way round with the increment of the economy, for such community through these places, this would actually lead to the attraction of the people on certain things and as a result this would lead those community people to conserve the various natural resources i.e. mainly the physical features. This way the same also leads to the conservation of the natural features there. Not only this but also the same has increased the value of the property of the place. Those natural products which are till date, have been registered actually hailed from the various remote villages, where the value of the land is always found to be a bit low. Hence in such situation, this actually lead to the increment of the values of those territories. As mainly the various soils, and the trees from which those natural products grow, are having a huge demand in the market, hence enhancing the value of the same. Not only this we also get to find out that from the consumer's perspective the various qualities, which are found to have attracted them, one of such is the medicinal value. It is found that those food products are actually rich in various nutrients. Hence from that perspective such identification as well as the alienation of the food would actually lead them to incur such facility in

much more abundant way, whereas in the absence of such mark i.e. within ambiguousness the thing may not become possible. This way the legal protection of the natural products acts as a negotiation as well as coherence, with that of the natural features of the products. Due to the presence of the plant the community is surviving. On the other hand for such acquiring of benefit from the plant, it is found that the various natural resources with intense conservation is getting survived highly. The same is actually having a two way fold. We get to find out that from the consumer's perspective, the same is actually acting as a relief against poverty. This is because due to high rise of development in various societies, it is found that the competition is high which actually acts as a negative force against the availability of the goods. On the other hand as the right is actually being given, more supply of such products is happening and this would enhance the market sphere of the same, which would actually lead to the exploration of the GI laws to such sector of natural product in diverse and specific extent. ²

AGRICULTURAL PRODUCT

Then coming upon the agricultural products, here we get to find out that the application of the law i.e. the scope of the protection of such laws are actually much bigger here. We get to see that the same is not only found to have protected the uniqueness coming out of the physical features of the same but also the various other physical features attached to the same, but also the human labour i.e. is actually extracted with that of the same. Hence unlike the legal protection i.e. actually given to the natural products, where the protection is given to the community for being in the particular place, here the same is given to them for utilizing their residential land in a particular way. Hence this way the same by giving GI to those products not only found to have enhanced the property of the but also found to have being enhanced the practice of utilization of such natural factors in a specified way. The agricultural labourers who have been there for such, method of cultivation, has got accustomed with that of the same, beyond the way it would be difficult for them to cultivate. Hence in such situation, with an adverse climatic condition and a special exquisite labour involving in making of the agricultural product through the aid of the natural features demands special recognition. The labour the same actually put in order to make out a certain product, is found to be exquisite for the production of certain form of feature. Hence such recognition would actually lead to the improvisation of the position of the same, which would lead them to the increment to the product of the goods. Not only this such has also facilitated the economic structure of the people there. It has led to the increase in the tariffs of the labourers. Not only this the same has also lead to the attainment of special care for such cultivation of the

²<https://www.ipindis.gov.in> GEOGRAPHICAL INDICATORS
<https://blog.ipleaders.in> Geographical indication law in India

place. This lead to having more incentivisation upon a certain agriculture. This would also lead to the signing of various bilateral agreements that with various countries, which would some way or the other facilitate the organisation of the agriculture. All such would make the agricultural sector a comfort zone for the people there. Not only theses various modern technologies are also invented in this process. All such would be the remedy to those agricultural labourers, against the harsh labour they go through basin upon their own way of agriculture. Hence we get to find out that theseslaw the concept of reciprocity is actually being highlighted. Here we get to find that how a particular process of agriculture has been highlighted, which actually lead also increase the ambit of GI by invention of the various eligible GI claimed products. Such would be presented through presenting the uniqueness of the product, which can be apparently or associated with the existence of the particular product. ³

MANUFACTURED PRODUCT

Lastly coming upon the manufactured products. The GI application upon such product is such is completely different form. Here we get to find out that the law is actually acting as a binding force to make out certain things. If we analyse critically such law, the purpose of Gi tag here is just for the location purpose as political demarcation is also a part of geography. But as such the same actually have no relation with that of the geographical features. It is just the uniqueness which is brought through that of the hands of the folks there. So in such situation, the wholesome materialistic involvement is actually the prerogative here, which gets prioritized. But here the connection of the individual places actually leads to the enhancement of perfection of such place. From the consumer's perspective, it is seen that as such special recognition leads acts as a bar to the intermingling of creation, hence this would lead them to inherit the usefulness from a particular product. From a diversified enormous country like India where easy mobilization is not a very common thing, the various efficacies inclusive of the culture the cuisine the mechanics, artefact etc getting easily utilized by the people of the particular place and the same is also utilized for usefulness. Not only this the same also enhances the concentration of work, in a vast manner. Various industries trading through trademark are actually having the branches in various sectors, the capacity of the people to work together. Post attaining the GI, through the intense competitions, involve in centralization of people at a single sector, which mainly involves people from the common residuary background including more items upon the GI.

³<https://nluassam.ac.in> GI AND IMPACT ON AGRICLTURE

COMPARISON OF APPLICATION OF LAW OVER ALL THE THREE PRODUCTS IRRESPECTIVE, BETWEEN ONE TO ONE BASIS

Hence coming upon the difference between the application of the laws between in the natural, agricultural as well as manufactured product, we get to find that there are various heterogeneities within the same is very much vibrant and such approach are actually acting as a I creation of other form of rights in various products, through the initiation of the GI. The various cases involving such heterogeneous product, where the application of such laws, within the same very clearly found to have resented the heterogeneity of the same.

NATURAL & MANUFACTURED PRODUCTS

First coming upon the difference between that of natural product as well as the manufactured products. It is found that in the case of Nagpur orange where we get to find out that the same laws claimed to be given the GI tag. The reason behind the same were that there were the having a different colour with that of other oranges. The same is much orange in appearance. Not only that the same is also found to have differed in the taste quality even. It is found that those oranges are having much sweeter taste. The juicy essence as well as the quantum is there in hike for these people. And such oranges owing to the factor that they did grow in Nagpur contributed to the factor of claim of the GI over such product, for Nagpur in Maharashtra. ⁴Not only that due to the juicy essence they had some medicinal value, which actually keeping a distinctive medicinal impact upon the people. Hence all such clearly proved the clarity of the uniqueness the same actually we having. Hence in accordingly they were awarded with a GI tag.

Coming upon a case of Mysore saree in the state of Karnataka, the same was a result of grant of the tag of manufactured products. The apparent structure of the saree was such that the same were having the elegant designing within the same. The colour present is very much vibrant there. The softness in the form of slowness is highly existent there. The same was actually filed by the Karnataka Textile association, for the claim of the GI. Hence after critical scrutinization, analysis of effective evidences, then thorough investigation, it was reached to the conclusion that the people that such acquiring of the GI status is actually needed for all the people to succeed there. Silk has been merchandized throughout the country but on the proper presentation of the same

⁴<https://www.downtoearth.org.in>

in front of the public, it was held that such that such form of silk must have the acquire of the GI tag.

Hence coming upon the interpretation of the law, we get to find out that the stand of both the laws are actually having the same objective. It is presenting the transparency. The uniqueness which has been presented through here is very much apparent in the It is found that through this particular application, the uniqueness is very much apparent in the structure of the same. For the former law the products are almost similar to each other. But still an essence of differentiation is there in the inner as well the outer part which makes the same looks different as in a unique way. Here amidst of homogeneity there had been certain heterogeneity which are actually ascertained. On the other hand, for the manufactured product, the apparent structure of it is all were different. The colours of the silks of other places are having quite a different form of designing in comparison to that of the other silks. The material the same is having is immaterial to appearance. Hence in such situation, we get to find out that hence a special kind of heterogeneity with various heterogeneities is getting embraced for the recognition. Hence the main difference between the two different approaches of the law is that the same is fishes out certain heterogeneities within the various homogeneities on the other hand the other does the same within various heterogeneities. Hence such speculative nature of the product would some way or the other benefit the entire plethora of GI Indicator.

NATURAL AS WELL AS THE AGRICULTURAL PRODUCT

Then coming upon the comparison of the natural as well as agricultural product. Here even the various cases contributed in proper understanding of the efficacies of the law. In the case of Basmati Rice, we get to find out that the rice has a certain uniqueness within the same. They are having the much more aroma, within the same, which is actually flavoured up, when the same is actually cooked. It hence blows up with a different form of fragrance within the same. This is quite a distinct feature in comparison to that of other grains. They are also having a kind of fluffy texture within the same which is also a uniqueness of it. It is to be noted that these kinds of are actually having the quantified amount of 2- acetyl – 1 – pyro line, which is very much present in various kinds of rice. In this case it was found that India and Pakistan both were found to have fighting for the particular case. However it was India who was the first one to get the rice as a distinct form of GI owing to the quantum of the places of the production of the same, as well as the originality the same has actually acquired on the basis of the same. But here Pakistan also did get a GI, owing to the factor that there are several places, where the crops are found to be cultivated. This here the application of the law upon such products are actually coming in the form of GI upon agricultural

products. Here if we connect the same with that of the natural case, we get to find out that the Nagpur orange case then it is very well observed that such orange has got such characteristics only because of the presence of the heterogeneity over the same.⁵ Here the apparent homogeneity, regarding which it has been eluded mainly reveals the fact of a texture, but the same on the other and can't be the part of appearance. So here we see that both of the products are found to have hailed from a particular place. Here because of the birth of a certain territory, the appearance of the same is found to have been changed. On the other hand, because of the growth in certain territory, the apparent structure of it also changes. Hence this way it bifurcates the contribution of the geographical place on attaining the uniqueness of the particular product.

AGRICULTURAL AS WELL AS THE MANUFACTURED PRODUCTS

In the Rasogolla case it was seen that mainly it was the two states which actually fought against the matter. The Orissa as well as West Bengal, both claimed to have produced the dish. But on the other hand, it was seen that the apparent structure of both the Rasogollas are completely different from each other. The Rasogolla of West Bengal were actually whiter in colour, on the other hand the Rasogolla of Orissa was red in colour. In flavour the same were spongy. On the other way round the other's flavour were frying⁶. And in size also the former mentioned ones were larger. But the issue actually arose where both the products are verbally alleged to be the same product. After a long rift, it was held that the both of the states would acquire their title within the ambit of the place. The linguistic similarity would not be a problem here. On the other way round if we see the case of Darjeeling tea, where the GI status was given to the product in lieu of the fact that the flavour of the same is different in to that of the other tea⁷. The smell of it is also a bit. And the colour of it is dark merunish. All the apparent uniqueness is vibrant over the product of the same. Here the apparent differentiation is very prominent here. Not only in these cases it is seen that the apparent heterogeneous similarity is also there in the previous, mentioned cases. But still the recognition is given to the same on the basis of not the direct contribution of any of the geographical features upon the food product but actually on the basis of the people there, living in the particular place. This is also clear regarding the fact that the culture of a certain community living in a particular territory some way or the other affects the culture of the people. The climatic condition of a certain place is such that it somehow or the other facilitates in making of a particular ethnicity of a particular place. Hence in such way the lifestyle the culture the habitats the festivities

⁵<https://compass.raulias.com> Basmati Rice controversy between India and Pakistan

⁶<https://advocatetenwar.com> RASGOLLA VS ROSOGOLLA A bitter battle on sweet.

⁷<https://www.wto.org> Protecting GI for Darjeeling tea.

had been as well as can be acquired from these GI products. Such has been found to have represented by the GI here

DIFFERENT APPROACHES OF LAW HAVING THE CHANCE TO SHAPE THE GI ARENA IN FUTURE

Hence we get to find out that the various ambiguities of the law some way or the other contributes in diversifying the ambit of the legal plethora pf the GI. The heterogeneous approaches of the laws in theses three products some way or the other opens up with new forms of approach in this particular discipline.

Firstly coming upon the speculative type of the GI indicator, where we get to find out that as there is the difference in the approach of the two indicators, where homogeneity is matched with the heterogeneity, as well as uniqueness can be traced upon the various different form, hence it broadens the ambit of the GI laws into a plethora of discovery as well as inventions. The speciality can be very vibrant as a contribution of the geographical place to the various similar products irrespective of the fact, they are apparently similar or different. Till date there can be various products, which are yet to have acquired the GI product can come into light through the broader, inspective nature of the law.

Then another benefit to the product is that the same is also contributing to the exploration of a particular product, in relation to any of the features the same may acquire as a special feature owing to a particular place. All times it is not apparently the figure would specify the uniqueness in body of the product. But the same is always a part of it. It can sometimes be neglected because of the not noticing of the manufacturer to that regard. Hence this way there can be ample GI products, which are eligible to get the registration this way.

As it is mentioned that the climatic condition is a great factor in the creation of the life style, culture including festivities, the habitats, it is of no matter to deny the fact that this way, it would broaden the ambit of the law in the GI structure. Man can actually become creative in this field. The various GI products, which has been found to have acquired from particular climatic conditions, the same can be utilized in creation of further products. If the usage of the same starts and lies on it's persistence then automatically some day or the other the same would be acquired with GIs, hence enhancing their economy.

CONCLUSION

Hence from here it could be assumed that there have been in numerous similarities as well as overlapping with the various approaches of law. But in India, as the particular regime of IP has been newly introduced in comparison to the other sects, there has not been much research upon the particular field. Hence as a result such aspects are yet to be discovered. India being a developing country, hence specified upon expending the trade based upon the enacted laws. But the irony is that through the application of such laws there would be even a bigger boost upon the economy. But due to the limited scopes in the form of dimensions, there is actually very limited probabilities to implement the measures in the particular field. But there must be constant initiative these aspects of GIs i.e. in the form of new forms of innovations to be made fully applicable in the country so that the economy would even prosper more in the upcoming days.