

Gastronomic Appropriation and Legal Silences: The Case of Pithla-Bhakri in Maharashtra's Agrarian Communities

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Abstract

Pithla - Bhakri one of the world regions most iconic dishes evolved among the Bahun and agrarian communities of rural Maharashtra between the 13th and 16th. For decades this dish was considered a dish for the poor and for the labour class. In the recent years however it has undergone a massive change considering the health benefits or looking at the health benefits and now it has been rebranded as an authentic dish from the Maharashtrian heritage cuisine. In the current scenario the dish is seen in various upscale restaurant menus in popular cookbooks and on tourism circuits which focuses on gourmet tourism. Today this dish commands premier pricing due to its growing demand in the consumer for the high fibre low Glycemic millets. This simple preparation which is made from jawar or Bajra and Gram flour now costs as much as a single person's full days agriculture wage sometimes even exceeding it while still remaining a daily substance among the very communities that created this dish decades ago. This article aims to theorise the shift of the popularity of this dish from a bare sustenance to a gastronomic appropriation. This article aims to show the process of how the knowledge of these marginalised communities is modified and absorbed into the commercial narratives while The history behind the narrative that shaped this dish is systematically erased. This article discusses 2 arguments the first which is grounded in the culture the heritage and the gastro - politics where it re-evaluates the cleansing of the history of the very dish that it claims to celebrate. Second the article tries to demonstrate the relevant legal frameworks in India including the geographical indications the traditional knowledge practice protection the international IP instruments the biodiversity laws which render the culinary appropriation invisible to law. Drawing on comparative models from Karnataka, the United States, and Australia, and articulating a corrective-justice framework for community recognition and benefit-sharing, the article proposes targeted statutory reforms while treating legal recognition as necessary but not sufficient for cultural justice.

Keywords: gastronomic appropriation; traditional knowledge; geographical indications; intangible cultural heritage; cultural justice; caste

1. Introduction

In the gentrified neighbourhoods of Pune's Koregaon Park and Mumbai's Bandra, upscale restaurants increasingly showcase Pithla-Bhakri — a modest gram flour stew accompanied by millet flatbread — as an exemplar of “authentic Maharashtrian cuisine”.

Typically presented with a garnish of ghee and served on terracotta tableware, the dish in this upscale incarnation commands prices approaching — and at the premium end exceeding — a full day's wage for the Bahun agricultural workers who historically depended on it for nourishment,⁽¹⁾ even as the same dish persists as inexpensive everyday fare in rural kitchens and roadside eateries.⁽²⁾ It is this bifurcation — a single dish split into two economies and two social meanings — rather than any simple disappearance, that this article interrogates.

The stories accompanying the dishes upscale presentations regular and routinely omit the social history which is marked by caste based exclusion poverty and a constrained economic agency. This article attempts to question that omission by exploring the tension between this foods social history which has lived through decades and its contemporary modification labelled as a cultural heritage.

When a food or a dish that was once significant of deprivation, cost, marinization and is now in the current scenario reconstituted as a heritage maker and a mark of authenticity a lot of critical questions arise : who is profiting from this culinary revalorization, why are the original community stakeholders excluded from the gains received from this rebranding, Which account or whose account of this cultural memory is legitimate and authentic and last but not the least what legal mechanisms exist to recognise and equally distribute the value generated through such appropriation.

These questions are not only confined to India or Maharashtra but they exist all over. Across South Asia and globally historical foods associated with marginalised communities are increasingly being integrated into the mainstream gastronomy into the cultural tourism and are taken as national branding initiatives. Various patterns comparable to the one in Maharashtra have been identified in the revalorization of the African American soul food in the United states, the aboriginal Bush foods in Australia and the Dalit fermented cuisines from Tamil Nadu. Despite this growing body of revalorization on food and identity the legal dimensions of such transformations particularly on food and identity particularly within the Indian context remains undertheorized.

This article is divided into 5 separate parts. Section 2 will outline the theoretical framework. Section 3 attempts to reconstruct the socio economic evolution of the Pitla Bhakri. Section 4 attempts to examine the legal regimes governing the traditional knowledge and cultural heritage pertaining to the foods in Maharashtra. Section 5 attempts to reflect on the implications of these silences using comparative examples. Section 6 attempts to advance a set of reform proposals oriented towards cultural justice.

2. Theoretical framework: Gastronomic Appropriation, Authenticity, and Heritage Memory

2.1. Gastronomic Appropriation: Defining the Concept

Gastronomic appropriation is correctly described as a process by which ancient or traditional culinary knowledge practices and history of marginalised communities are selectively extracted aesthetically changed and regenerated into today's culture and commercial circuits without the consent recognition off these originating communities and without giving them a chance to be equal participants in the current scenario.

Gastronomic appropriation is distinguished from the regular normal cultural exchange by 3 structural features

1. a symmetry of power between the appropriating and the originating parties
2. complete erasure of social history including history of caste poverty and coerced labour that produce this particular practice or dish
3. the capture of the symbolic value and economic value of characters who are not part of the originating community. The concept of gastronomic appropriation is based upon but also goes beyond the existing academic study on cultural appropriation.

Authors Young and Brunk have distinguished and shown the differences between the subject object and style appropriation rightly arguing that harm arises mainly when the appropriation continues to reinforce an unfair and prejudiced belief which causes economical injury to originating communities³. Renowned author Scafidi has written from a legal angle identifying the main issue with appropriation as taking off products which are based in culture without permission or compensation and has noted that the existing intellectual property law is not equipped to address this injustice⁴.

Gastronomic appropriation adds an angle specific to food the embodiment the inter generalization and the subsistence which is linked to the nature of the culinary knowledge meaning that it not only effects and harms the economic status of the communities but also erases the history of survival of these

communities. Gastronomic appropriation has also taken from Appadurai's foundational work on the Gastro-politics which shows that food carries social hierarchies, Influences and shapes how power operates between two communities and works as a place where communities negotiate identity and belonging⁵.

The analysis done attempted in this article extends that vision to the political economy of the heritage of the culinary world where if one has the control over representation of food then they tend to have a control over the communities themselves.

2.2. Legal Pluralism and the Limits of Intellectual Property

The assumptions embedded in intellectual property law — individual authorship, bounded originality, and commodifiable ownership — are systematically misaligned with the realities of collective, intergenerational, and practice-based cultural production. Bourdieu's concept of cultural capital illuminates the mechanism: culinary practices that originate in conditions of scarcity acquire legitimacy and market value only when they are translated into forms recognisable to dominant cultural institutions — restaurants, cookbooks, tourism branding — thereby alienating them from the communities whose labour and knowledge produced them.^(^6) Formal legal categories — authorship, novelty, fixation — prove unable to accommodate the cumulative, community-based, and orally transmitted character of food knowledge.

Understanding this tension requires moving beyond formal legalism to consider the lived practices and moral economies that coexist with state and international law. Communities develop their own customary systems of attribution, circulation, and respect that do not align neatly with the categories of property, authorship, or monopoly. When international intellectual property regimes attempt to incorporate these local understandings, community practices are translated into forms intelligible to the dominant legal order, often at the cost of their conceptual and ethical richness.

2.3. Culinary Re-Signification and the Politics of Authenticity

The growing recognition of culture as an economic resource has generated what Macdonald terms the "heritagisation" of everyday life — the conversion of lived practices and embodied memories into managed, marketable, and institutionally legible cultural products.^(^7) Authenticity, as deployed in culinary marketing and heritage discourse, functions not as a neutral descriptor but as a mechanism of cultural gatekeeping: it determines which versions of a food practice are deemed legitimate, which narratives of origin are authorised, and which communities have the standing to claim a dish as their own.

This mobilisation of authenticity is simultaneously a cultural and a legal act. The legal frameworks that govern geographical indications, traditional knowledge protection, and intangible cultural heritage all rely on authenticity claims as the basis for protection — yet none provides a mechanism for privileging the accounts of originating communities over the representations of dominant cultural actors.

2.4. Cultural Appropriation as a Legal and Ethical Category

The harm caused by gastronomic appropriation is not merely symbolic: it involves the capture of economic value generated by community knowledge without compensation; the loss of community control over the representation of cultural identity; and the reproduction of historical inequities through market mechanisms that present themselves as culturally neutral. Each of these dimensions has analogues in recognised legal categories — unjust enrichment, passing off, and violations of moral rights — even if none maps perfectly onto the specific wrong of cultural appropriation.

A genuinely transformative legal response to gastronomic appropriation must foreground local epistemologies and the embodied practices through which communities reproduce their culinary worlds, recognising food knowledge as a form of intangible heritage that is simultaneously collective and situated, dynamic and historically rooted. This requires shifting from a vocabulary of ownership to one of stewardship and participation.

2.5. Why Cultural Origin Grounds a Claim — and How Far It Extends

The frameworks examined in Section 4 fail to reach the culinary knowledge of marginalised communities, but that failure does not by itself establish that the law ought to recognise such communities at all. The objection must be met directly: cultural association with a dish does not, without more, generate a legal entitlement over it, and a theory that cannot say who is excluded from such claims collapses into a licence for limitless assertion.

This article does not contend that cultural proximity alone confers ownership, nor that the Bahujan communities of Maharashtra hold a proprietary right in Pithla-Bhakri enforceable against every cook who prepares it. Its claim is narrower and, for that reason, more defensible: that where the commercial revalorisation of a dish reproduces the representational logic of caste erasure — sanitising the social history of stigma and scarcity, capturing the resulting prestige for actors outside the originating community, and enlisting public institutions to authorise that account — a cognisable wrong arises, and the law's inability to name it is not neutrality but complicity. The entitlement asserted is to recognition, participation, and a fair share of value; it is not a monopoly over the dish itself.

That entitlement rests, first and most powerfully in the present context, on a principle of corrective justice. The claim of Bahujan and agrarian communities does not derive from sentiment or ancestral proximity but from a documented sequence in which a prior injustice enabled a present taking. The caste stigmatisation that marked millet-based food as coarse and low first excluded it from the archive of legitimate cuisine — as the recipes Shahu Patole submitted to Marathi newspapers in the 1990s were returned not for want of merit but for want of social legibility — and it was precisely that exclusion which rendered the later re-signification frictionless.

When present value-capture is causally continuous with past structural exclusion, recognition is not a windfall conferred on the basis of identity; it is the correction of a harm whose mechanism the law can trace, and its reach is bounded by the injustice it repairs.

The second ground is recognition. Drawing on the tradition associated with Charles Taylor,^(^9) Axel Honneth,^(^10) and Nancy Fraser,^(^11) misrecognition constitutes a distinct injury that is not reducible to economic loss. To erase a community's authorship of a cultural practice while celebrating the practice itself is to deny that community standing as a maker of culture — a denial that, in the case of caste, reproduces within the cultural sphere the very subordination the constitutional order condemns under Articles 17 and 21 of the Constitution of India.

This justifies the recognitional dimension of the claim independently of any monetary interest: a community may be entitled to acknowledgement even where no revenue is at stake, because being written out of one's own history is a harm to dignity and standing as such.

The third ground, unjust enrichment, sustains the redistributive dimension of the argument — the case for benefit-sharing when a heritage-branded version is commercialised. Where actors external to the originating community capture economic value generated by that community's knowledge without compensation, the structure of the wrong is familiar to private law. This ground is, however, the weakest standing alone, for unjust enrichment presupposes an entitlement against which enrichment can be measured; it performs analytical work only once corrective justice and recognition have established that entitlement.

The fourth ground is cultural self-determination. As Madhavi Sunder and Michael Brown argue,^(^8) communities hold a legitimate interest in governing the representation of practices constitutive of their collective identity. On the cultural dimensions of intellectual property more broadly, Rosemary Coombe notes that such protections are vital for democratic cultural participation.

^(^12) This grounds the participatory dimension of the claim under Article 29(1) of the Constitution: the entitlement is not only to acknowledgement and to a share of value, but to a voice in the terms on which

the practice enters public and commercial circulation.

These grounds answer the question of justification without overreaching, because each is internally limited. The entitlement they support is triggered only where the three defining features of gastronomic appropriation set out above co-occur: asymmetry of power between the appropriating and originating parties, erasure of the social history of marginalisation, and capture of value by external actors. Absent any one of these, the movement of a culinary practice across social or commercial boundaries is ordinary cultural exchange, attracting no special claim.

3. Cultural Context: Pithla-Bhakri and the Agrarian Table

3.1. Historical Origins and Subsistence Ecology

Pithla-Bhakri emerged from the subsistence ecology of the Deccan plateau — a semi-arid agricultural landscape characterised by thin soils, irregular rainfall, and chronic food insecurity. Bhakri, the unleavened flatbread made from jowar (sorghum), bajra (pearl millet), or Nachni (finger millet), was the primary caloric staple of rural Maharashtra for centuries, preferred over wheat-based breads because the millets from which it is made are drought-resistant and were historically accessible to cultivators who could not afford rice or refined wheat flour. Pithla, the accompanying stew made from besan (gram flour) seasoned with mustard seeds, garlic, green chilli, and turmeric, provided protein and fat that could be prepared quickly and cheaply using ingredients reliably available even in years of poor harvest.

The historical vulnerability of this ecology is well documented: the rain-fed millet agriculture of the Deccan, largely unbuffered by irrigation, collapsed during the recurrent famines that struck the Bombay Presidency in 1876–78 and again in 1896 and 1899–1900 — episodes in which the drought-resistance of millets marked the difference between subsistence and starvation for the cultivating poor.^(^18,19,20)

The dish's nutritional profile reflects this subsistence logic: besan is a concentrated source of plant protein; millet flour provides complex carbohydrates, iron, and calcium at a cost significantly lower than wheat. What urban food writers now celebrate as the dish's "simplicity" and "earthiness" was, in its original context, a precisely calibrated nutritional solution to conditions of scarcity. The aestheticization of that simplicity inverts its actual meaning: what was a marker of constrained choice is reframed as a mark of culinary wisdom.

The communities for whom Pithla-Bhakri was a daily staple were predominantly Bahujan — the broad coalition of OBC (Other Backward Classes), Scheduled Caste, and Scheduled Tribe communities who constituted the majority of Maharashtra's agricultural workforce.^(^21) Within the hierarchical food culture of rural Maharashtra, certain foods were associated with particular caste positions: rice and wheat breads marked higher-caste status, while millet-based foods were associated with manual labour and lower-caste identity.^(^22) To eat Bhakri was not merely a dietary choice; it was a social position made edible.

3.2. Stigmatisation and the Social Meaning of Food

The association of Pithla-Bhakri with poverty and low-caste identity was actively produced and reproduced through the social structures of caste. In the ritual and symbolic economy of caste-based food culture, the distinction between "clean" and "unclean" foods, between "coarse" and "refined" grains, served to naturalise social hierarchy by anchoring it in the body and its daily practices. Millet was simultaneously valued as a survival crop and marked as inferior — associated with backwardness, rural poverty, and the bodies of those who performed agricultural labour.

The lived texture of this stigmatisation is documented with unusual directness in Shahu Patole's *Anna He Apoornabrahma* (2015),^(^13) a memoir-ethnography of the food cultures of the Mang and Mahar communities of Marathwada that draws on Patole's own experience and on community oral histories accumulated over decades.

The book's title — a deliberate inversion of the Sanskrit saying *Anna He Poorna Brahma* (food as the supreme, complete reality) — encapsulates the community experience of culinary deprivation: Dalit food,

Patole observes, has always been incomplete, defined by the systematic absence of the ingredients — ghee, refined spices, varied pulses — that upper-caste food culture deemed markers of a complete meal.

(¹⁴) As he records: in Dalit households, “sometimes there was only the flavour of salt in our food.” Particularly significant for the argument of this article is Patole’s account of how this food was treated not merely as nutritionally inadequate but as socially inadmissible. When food columns began appearing in Marathi newspapers in the 1990s, Patole recalls submitting recipes from Mang community kitchens — dishes prepared without oil, substituting butter-milk for ghee, using every part of the animal in the tradition of subsistence-driven whole-carass cooking — only to have them returned unpublished.

The decision was not made on grounds of quality or culinary interest; it was made on grounds of social legibility. Dalit food was food that Marathi public culture did not recognise as food worth documenting. This erasure from the archive of legitimate cuisine preceded and made possible the subsequent erasure involved in the dish’s commodification: a community whose food practices were not considered worthy of a newspaper column in the 1990s had, by the 2010s, seen those same practices repackaged as “authentic Maharashtrian heritage” for upscale restaurant menus — without acknowledgment, without consent, and without compensation.

(^{15,16}) As Patole observed in a 2025 interview, conditions have not improved since his book’s publication: the same social structures that determined what Bahun communities ate for centuries continue to determine whose account of that food is treated as authoritative.(¹⁷)

3.3. Mainstreaming and Commodification

The commodification of Pithla-Bhakri has proceeded through four identifiable stages. The first was documentation and discovery: from the early 2000s onward, food writers, television producers, and culinary journalists began to identify Pithla-Bhakri as an example of “authentic” Maharashtrian regional cuisine, typically omitting the caste structure and poverty that constituted the social reality of that life.

The second was mediation and translation: presented on handmade terracotta tableware and narrated through the vocabulary of culinary heritage, the dish was transformed from a subsistence staple into a curated experience. This was frequently accompanied by spicy accompaniments like Hirvi Mirchi cha Thecha (coarsely ground chilli paste) or dry flaxseed chutney (Jawas)—items originally consumed out of sheer poverty to mask the dry, unpalatable texture of stale millet bread.

The third stage was commercialisation, taking the form of economic bifurcation. In the upscale dining segment across Pune, Mumbai, and Nagpur, a heritage-framed thali built around the dish is priced between ₹330 and ₹1,000 per person — exceeding the average daily wage of a rural agricultural labourer in Maharashtra, which stood at approximately ₹345 in early 2025.(^{1,2}) The dish did not cease to be cheap: the same preparation remains available for ₹70 to ₹200 in roadside eateries. What changed is that a parallel, prestige-bearing version was created, with economic value accruing almost entirely to urban restaurateurs rather than to the originating communities.

The fourth stage was institutionalisation. Pithla-Bhakri now appears in official state tourism branding: the Maharashtra Department of Tourism markets the dish to visitors as part of the region’s authentic cuisine,(²³) and the state tourism corporation lists it among traditional culinary favourites.

(²⁴) On the broader postcolonial politics of national and regional culinary branding, Ray and Srinivas note that such state-sponsored gastronomic revivals often consolidate elite narratives.(²⁵) This pattern was amplified globally during the UN International Year of Millets (IYM 2023), where millets (Shree Anna) were celebrated as lifestyle superfoods while eliding the subaltern caste identities of the agrarian workers who cultivated them.

When a state instrumentality presents Pithla-Bhakri as an emblem of Maharashtra’s culinary heritage without acknowledging the Bahun communities in whose daily lives that heritage was produced, it

performs a final act of erasure: the conversion of community memory into state property.

4. LEGAL AND INSTITUTIONAL SILENCES: The Frameworks That Do Not Reach

4.1. The Geographical Indications Framework

The Geographical Indications of Goods (Registration and Protection) Act, 1999 (GI Act)^(^26) is the domestic legal instrument most commonly invoked in discussions of traditional knowledge protection in India. The GI framework is structurally ill-suited to the protection of culinary practices such as Pithla-Bhakri for at least four reasons:

First, Section 2(e) does not clearly encompass intangible culinary practices.

Second, Section 11 requires applications to be filed by formal producers' associations, effectively excluding rural Bahun communities whose cultural practices are organised through kinship, caste, and informal village networks.

Third, the GI framework is premised on the fixed stability of a product, whereas culinary practices are living, variable, and dynamic.

Fourth, and most fundamentally, the GI framework lacks benefit-sharing mechanisms that direct value back to originating communities.

Even were these obstacles overcome, the Indian experience with GI protection confirms that registration reliably improves branding while failing to secure distributive justice for base producers.^(^27,28) The trajectories of Darjeeling tea, Araku coffee, and the Kolhapuri chappal illustrate how marks are captured by commercial intermediaries rather than the communities whose knowledge they certify.^(^29,30,31)

4.2. Copyright Law and Its Structural Exclusions

The Copyright Act, 1957^{32} is structurally incapable of addressing gastronomic appropriation. Copyright protects the expression of an idea, not the idea itself. A written recipe text may attract copyright protection as a literary work, but the underlying cooking technique and combination of ingredients are unprotectable ideas.

More fundamentally, copyright protection requires an identifiable author and fixed tangible expression. The culinary knowledge of Bahun communities is transmitted orally and through embodied practice across generations, acquired through communal participation rather than formal documentation.^(^33)

4.3. The Protection of Plant Varieties and Farmers' Rights Act

The Protection of Plant Varieties and Farmers' Rights Act, 2001 (PPVFRA)^(^34) represents India's most significant legislative recognition of farming communities.^(^35,36,37) In principle, the PPVFRA's farmers' rights provisions are relevant, as Pithla-Bhakri is inseparable from locally adapted landraces of jowar, bajra, and gram. In practice, however, the PPVFRA protects rights in registered seed varieties, not in the culinary knowledge that transforms those harvests into food.

4.4. The Biological Diversity Act and Benefit-Sharing

The Biological Diversity Act, 2002 (BDA)^(^38) was enacted to regulate access to biological resources and associated traditional knowledge. Section 21 mandates equitable benefit-sharing determined by the National Biodiversity Authority (NBA),^(^39) while Section 41 creates local Biodiversity Management Committees (BMCs) to maintain People's Biodiversity Registers (PBRs).

^(^40,41) In practice, however, PBR compilation has been resource-constrained,^(^42) and recent amendments under the Biological Diversity (Amendment) Act, 2023 have exempted codified traditional medicine practitioners (AYUSH) while leaving informal culinary knowledge unprotected.

Moreover, the BDA is oriented toward cross-border bioprospecting rather than domestic restaurant commercialisation.

4.5. The Traditional Knowledge Digital Library (TKDL)

The Traditional Knowledge Digital Library (TKDL) was established in 2001 as a defensive mechanism to defeat patent claims based on Indian traditional knowledge.^(^43) The TKDL focuses almost exclusively on codified systems of Indian medicine (Ayurveda, Siddha, Unani) and yoga. Traditional food knowledge falls entirely outside the Library's current scope, and its purely defensive orientation does not facilitate affirmative recognition or benefit-sharing for living communities.

4.6. International Frameworks and Their Limitations

India is a party to several relevant international instruments: the Convention on Biological Diversity (CBD, 1992),^(^44) the Nagoya Protocol (2010),^(^45) the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (ICH Convention, 2003),^(^46) and the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (2024).^(^47,48)

However, Article 3 of the 2024 WIPO Treaty limits mandatory disclosure obligations strictly to patent applications directly based on genetic resources or traditional knowledge.^(^49) The UNESCO ICH Convention offers no binding benefit-sharing mechanisms,^(^50) and none of India's inscribed ICH elements includes a food practice. Ray and Srinivas observe that postcolonial culinary traditions remain systematically excluded from formal international protection due to their vernacular nature.^(^51)

4.7. The Architecture of Legal Silence

Table 1: Summary of Domestic & International Legal Regimes Addressing Vernacular Culinary Knowledge

Legal Regime / Instrument	Primary Subject Matter	Threshold Legal Criteria	Structural Failure Regarding Vernacular Cuisine
GI Act, 1999	Goods & agricultural produce	Registered producer association; stable geographic link	Trader-centric; excludes informal culinary practices & lacks internal benefit-sharing.
Copyright Act, 1957	Original literary/artistic works	Fixation; identifiable individual author	Recipes/techniques are unprotected ideas; orally transmitted practices excluded.
PPVFA, 2001	Plant varieties & seeds	Distinctness, Uniformity, Stability (DUS)	Protects crop germplasm/cultivars, not the prepared gastronomic knowledge.
BDA, 2002 (amended 2023)	Biological resources & associated TK	Formal commercial "access" triggers ABS	Cross-border bioprospecting focus; ignores domestic restaurant commodification.
TKDL (2001)	Documented traditional medical knowledge	Prior art formulation from classical texts	Restricted to codified AYUSH systems (Ayurveda, Siddha, Unani, Yoga); excludes food.
WIPO Treaty (2024)	Patentable inventions based on TK	Nexus to formal patent claims	Limited to patent applications; does not reach food tourism, menus, or cultural branding.

5. Discussion: The Sanitised Revival and Comparative Perspectives

5.1. The Mechanics of Erasure

The re-signification of Pithla-Bhakri operates through four distinct mechanisms:

Aesthetic extraction: The isolation of the dish's sensory qualities from the social relations of poverty and caste within which they were produced.

Narrative substitution: The replacement of the dish's lived history with a curated narrative of regional authenticity. **Institutional legitimization:** The endorsement of the sanitized dish by upscale restaurants, food media, and state tourism bodies.

Legal invisibility: The total absence of standing for originating communities under intellectual property and heritage laws to challenge this appropriation.

5.2. South Asian Comparative Perspectives

Within South India, the case of Ragi Mudde (finger millet balls) in Karnataka offers a direct parallel: consumed as subsistence fare by Dalit and agrarian communities, it has been repackaged as an elite health food without recognitional benefits flowing to its original consumers. Similarly, the hilsa fish dispute between India and Bangladesh illustrates how GI frameworks often become instruments of inter-state economic competition rather than mechanisms for protecting artisanal fishing communities.

5.3. Global Comparative Perspectives

In the United States, scholars have demonstrated how African American culinary traditions (soul food) were historically appropriated and commodified while divorcing the dishes from their origins in chattel slavery and structural racism.

The Australian case offers an instructive comparative counterexample. Aboriginal and Torres Strait Islander communities have developed extra-legal strategies through community-controlled enterprises and certification schemes. The Outback Pride initiative created a supply chain model for native Australian foods that directed economic value to Aboriginal communities. Industry initiatives such as the Strategic Plan for the Emerging Australian Native Food and Botanicals Industry have sought to formalise these community-led models.^(^52) However, these initiatives remain vulnerable to commercial circumvention without formal legal scaffolding.

5.4. Heritage Law and the Structural Reproduction of Inequality

International heritage law replicates these biases by favouring the monumental and well-documented over everyday living practices.^(^53,54) This produces the "heritage paradox": the communities whose everyday culinary practices are most culturally vital are precisely those least able to access institutional protection.

6. Conclusion: Toward Inclusive Culinary Heritage

6.1. The Imperative of Cultural Justice

Cultural justice demands three interrelated dimensions:

Recognition: Formal acknowledgement of Bahun and agrarian communities as the authors of regional culinary knowledge under Articles 17, 21, and 29(1) of the Constitution of India.

Participation: Community decision-making authority over how their culinary traditions are represented and commercialised.

Redistribution: Mandatory benefit-sharing mechanisms when culinary heritage is commercially exploited by external corporate or high-end hospitality actors.

6.2. Reform Proposals

Reform of the Geographical Indications Framework:

- Amend Section 2(e) of the GI Act, 1999 to expressly include traditional culinary practices and recipes.
- Amend Section 11 to recognize customary and informal community collectives as eligible applicants, drawing on the model in Peru's Legislative Decree No. 1075.^(^55)
- Insert a new Section 24A mandating that a minimum of 30% of commercial licensing revenues from culinary GIs be directed into a Community Heritage Fund.

Reform of the Biological Diversity Act:

Amend Section 2(p) and Section 41 of the BDA to create dedicated registers for culinary traditional knowledge and mandate domestic ABS frameworks for culinary commercialization, drawing comparative lessons from South Africa's NEMBA Act.^(^56)

Reform of the Traditional Knowledge Digital Library (TKDL):

Expand TKDL's mandate beyond AYUSH medicine to encompass culinary traditional knowledge as both a

defensive and affirmative recognition database.

Advocacy for Binding International Instruments:

Advocate at the WIPO IGC for the conclusion of the Draft Articles on Traditional Knowledge and Traditional Cultural Expressions with explicit culinary coverage; pursue foodway nominations under the UNESCO ICH Convention; and operationalize Nagoya Protocol ABS guidelines for domestic commercialization.

Investment in Community Institutional Capacity:

Establish a national Culinary Heritage Justice Fund, support community-owned culinary enterprises, and fund participatory documentation led by agrarian and Dalit community members.

6.3. Sequencing and Implementation

Phase 1 (Immediate, 0–2 Years): Community capacity-building, localized PBR food documentation, and administrative guidance from the NBA affirming that culinary knowledge is covered under existing BDA mandates.

Phase 2 (Medium Term, 2–5 Years): Targeted legislative amendments to the GI Act, 1999 and the Biological Diversity Act, 2002.

Phase 3 (Long Term, 5–10 Years): Multilateral advocacy at WIPO, UNESCO, and CBD COPs.

6.4. Coda: The Right to One's Own Table

The simplicity of Pithla-Bhakri is not the minimalism of leisure chosen from abundance; it is the ingenuity of survival exercised under severe constraint. To aestheticize that simplicity on upscale restaurant menus while ignoring the ongoing poverty and caste marginalisation of the communities who created it is an act of dispossession.

A legal regime that celebrates the food of the dispossessed while denying them authorship is not neutral — it is complicit. Cultural justice requires that the Bahun farmers and labourers of Maharashtra finally have a seat, a voice, and an equitable share at the table they have set for centuries.

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