

REVIEWER'S REPORT

Manuscript No.: IJAR- 55333

Title: A NEED FOR COMMUNITY INTELLECTUAL PROPERTY RIGHTS LAW FOR THE BODO TRIBE OF ASSAM, INDIA

Recommendation:
Accept after minor revision

Rating	Excel.	Good	Fair	Poor
Originality		✓,		
Techn. Quality		✓,		
Clarity	✓,			
Significance	✓,			

Reviewer Name: Dr Abdul Haseeb Mir

Detailed Reviewer's Report

The article “*A Need for Community Intellectual Property Rights Law for the Bodo Tribe of Assam, India*” addresses a critically important and under-theorised area at the intersection of intellectual property law, indigenous rights, and legal pluralism. By focusing on the Bodo tribe of Assam, the paper brings attention to the limitations of conventional intellectual property regimes in protecting traditional knowledge (TK) and traditional cultural expressions (TCEs) that are collectively created, historically accumulated, and culturally embedded. The central argument—that existing Indian IP laws are structurally inadequate for safeguarding community-owned intellectual resources and that a distinct community intellectual property framework is required—is both normatively compelling and policy-relevant.

One of the article's key strengths lies in its conceptual clarity regarding the nature of community intellectual property. The author effectively explains why TK and TCEs cannot be accommodated within the dominant IP paradigm that prioritises individual authorship, novelty, originality, and time-bound protection. By foregrounding the communal nature of Bodo knowledge systems—such as herbal medicine, weaving practices, ritual expressions, and genetic resource use—the article convincingly demonstrates the mismatch between indigenous epistemologies and formal IP doctrines. The discussion

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rightly emphasises that the problem is not the absence of creativity or value in indigenous knowledge, but the incompatibility of existing legal criteria with long-standing, collectively held cultural practices.

The paper is particularly strong in its engagement with international legal frameworks. The analysis of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Nagoya Protocol, UNDRIP, and ILO Convention No. 169 is accurate and well integrated into the argument. The emphasis on principles such as prior informed consent, fair and equitable benefit-sharing, and positive and defensive protection reflects a solid understanding of contemporary international norms governing indigenous intellectual property. By situating the Bodo community's claims within these global frameworks, the article successfully elevates a regional issue into a matter of international legal significance.

Another notable contribution of the paper is its institutional and constitutional grounding. The discussion of the Bodoland Territorial Council (BTC) and its legislative competence under the Sixth Schedule of the Indian Constitution is particularly valuable. The argument that BTC possesses both the constitutional authority and moral responsibility to enact a community intellectual property law tailored to Bodo cultural realities is persuasive. This institutional focus distinguishes the article from more abstract discussions of indigenous IP rights and adds practical relevance to its recommendations.

The methodology, combining doctrinal legal analysis with empirical observation of cultural practices and exploitation patterns, is appropriate for the research objectives. The reliance on secondary sources is justified given the legal-normative orientation of the paper, and the literature cited is largely relevant and contemporary. The article also succeeds in identifying real-world problems such as biopiracy, commercial misappropriation, and exclusion of indigenous communities from benefit-sharing arrangements, thereby grounding its normative claims in lived realities.

However, the article would benefit from several important refinements. First, while the normative argument for a community IP law is strong, the paper remains largely prescriptive and would gain analytical depth by engaging more critically with potential challenges of implementation, such as internal community governance, representation, dispute resolution, and conflicts between customary norms and statutory law. Second, the discussion could be strengthened by briefly comparing the Bodo case with similar legislative or policy experiments in other jurisdictions, which would enhance the comparative and theoretical dimension of the study. Third, certain sections—particularly those reiterating the inadequacy of conventional IP laws—are repetitive and could be condensed to improve coherence and flow.

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From a stylistic perspective, the language is generally clear and accessible, but the manuscript contains grammatical inconsistencies, typographical errors, and long sentences that occasionally obscure meaning. Careful editorial revision is necessary to meet international publication standards. In addition, clearer sub-section transitions and a more synthesised conclusion would enhance readability and argumentative force.

Overall, the article makes a meaningful and original contribution to the scholarship on indigenous intellectual property rights in India. Its focus on the Bodo tribe, integration of international legal norms, and engagement with constitutional mechanisms offer both academic value and policy relevance. With revisions aimed at strengthening analytical depth, reducing repetition, and refining language, the paper has strong potential to influence debates on community-based IP protection and indigenous self-determination.

Recommendation: The article is recommended for publication after minor revisions, particularly focusing on editorial refinement, analytical tightening, and brief comparative contextualization.