

BIO-CULTURAL COMMUNITY PROTOCOL OF THE TRADITIONAL HEALERS OF THE MALAYALI TRIBES¹

Who we are

We are a group of Vaidyas (traditional healers) who live in the villages of Nellivasal, Pudurnadu, Puliur and Serkanur in Vellore District of Tamil Nadu, India. We belong to the Malayali tribe (*Malai* translated as hills and *ali* translated as rulers) and which is a settled agrarian community. We are members of the Tamil Nadu Paramparya Siddha Vaidya Maha Sangam, which is an organization of traditional healers practicing the Siddha system of medicine. We are not only practitioners of the Siddha tradition but are also practitioners our own indigenous traditions of healing.



¹ This protocol is in the process of being finalized, as at 22 October 2009.

Our knowledge

Our knowledge has been passed on to us through our family traditions some of which go back five generations, from Sadhus (ascetics and teachers), from our experience, sharing with other healers and dreams. Each one of us is able to treat the most common ailments, and specializes in certain areas. Wherever possible, we refer patients to those of us who have the expertise with treating specific ailments. We treat: eczema, scabies, impotence, hernia, piles, leucorrhoea, heart problems, boils, bleeding, infertility, migraine, fever, snake and scorpion bites, mental disorders, arthritis, inflammation, diabetes, jaundice, paralysis, gastritis, diarrhea, ulcers, kidney stones, asthma, anemia and bone fractures. The women among us have knowledge of birthing and also focus on pre-natal and postnatal care.

Whilst we have overlapping knowledge, and use similar plants, we have specific knowledge and often use them for different ailments. We primarily rely on locally available medicinal plants and herbs, but as practitioners of the Siddha tradition we also rely on the curative properties of minerals and metals that we purify. We also have ethno-veterinary knowledge that proves important to our communities that are not served by veterinary practices. We each see between 5-10 patients each per week.

In addition to our specialized knowledge, women pass much household knowledge to each other, from grandmothers, to mothers and on. It is common for our households to grow some medicinal plants and/or collect them locally.

Our values: bio-spirituality, ecological practices and selflessness

We believe that plants are sacred and the effectiveness of our plant based medicines is integrally linked to us respecting the plants and caring for them.

Sustainable harvesting: We have a specific way of collecting our medicinal plants. We collect them in the early morning on Tuesdays, Fridays and Sundays, or during the full moon. We find that the curative properties of the plants



are at their peak when they are collected at dawn. The day before we collect the plant, we pray to the plant and we tie a thread that has been dipped in Turmeric around the plant. The next day we chant a mantra up to 108 times before harvesting, using only our thumb and little fingers to pick the leaves and fruit to ensure that we cause as little harm to the plant as possible. One of the mantras we chant is: *om mooli, maha mooli, jeeva mooli, un uver, un udalilnirka, swaha* which is translated from Sanskrit as: 'O great living plant,

let your life stay in you'. We only take roots and bark when absolutely necessary. Respecting the plant and reciting mantras leads to efficacious medicines. We also never touch the plant with our feet as that conveys disrespect. We also believe that a plant has the power to curse you if it is abused. It is a power endowed to plants by the first teacher (Siddha) of the Siddha system of medicine, Sage Agasthya. We do not harvest the medicinal plants to sell at the markets but we collect them primarily for our own healing practices.

Bio-cultural conservation: we actively spread seeds as we walk along fields and in forest areas. We also spread seeds in streams so they are carried and disseminated downstream. We also ensure sustainable harvesting. If for example there are 10 plants in a small area, we harvest from only 5 and move to another area to harvest, coming back to the first area only after the 5 plants have had a chance to regenerate. The Malayali tribe has had a tradition of healing for many generations and six generations of healers have harvested sustainably from these forests and ensured their conservation.

Spirituality: Healing within our tradition involves both knowledge of healing practices and spiritual maturity. This spiritual maturity is integral to the efficacy of our medicines, connectedness with the plants and our ability to diagnose ailments that despite having physical manifestations are spiritual ailments at their core. Our spiritual traditions require us to heal people irrespective of their ability to compensate us for our services. There are times when we provide people with medicines at no cost and also when needed provide them money for transport back home.

We share our knowledge

While we have a tradition of sharing and exchanging our knowledge amongst ourselves we only want to share our knowledge with others if they will use it for the good of others in the tradition of the Vaidyas. We train a number of people to become Vaidyas and before we pass on our knowledge to them, we carefully observe their character and test them on their dedication to the healing tradition and their ability to harvest plants sustainably.



We feel that any access to our knowledge must be based on our prior informed consent which can be obtained through the Tamil Nadu Paramparya Siddha Vaidya Maha Sangam. We believe that our knowledge must be used to heal people and not to make profit. Any medicines based on our knowledge must be sold to the poor at a minimal cost.

We face certain challenges

People have been harvesting in the communal and forest areas in an unsustainable manner, out of keeping with our values. They have caused much damage to the medicinal plants in the areas and our relationship with the Forest Department officials has also suffered. But the Department's blanket ban has had the effect of also excluding us from the forests and is limiting our capacity to treat our community members. Yet we only collect small amounts of plant and do so sustainably. We are currently restricted to collecting our medicinal plants primarily from revenue land (farm land). We would like to have access rights to the forests to sustainably collect medicinal plants the purposes of healing. We are also willing to comply with the conditions set by the Forest Department to ensure conservation of the forests.

Also, much of our healing has to do with the whole body and according to the maxim "food is medicine" we stress then need to eat healthy food. Rice production has taken over from the production of traditional foods that used to keep us healthier.

Our rights under Indian laws and policies

The Biological Diversity Act of 2002 and the Biological Diversity Rules of 2004: The Biological Diversity Act of 2002 in its efforts to fulfill India's commitments under the Convention on Biological Diversity provides for the conservation of biological diversity, sustainable use of its components and the fair and equitable sharing of benefits arising from the use of such biological diversity and associated traditional knowledge (TK). The Biological Diversity Act sets up the National Biodiversity Authority (NBA) and the Biological Diversity Rules of 2004 lists the functions of the NBA as including regulating access to biological resources and associated TK for commercial and research purposes. The NBA is also empowered to advise the Central Government on any matter relating to the conservation and sustainable use of biodiversity and associated TK and the fair and equitable sharing of benefits arising from the utilization of biological resources and associated TK. The Biological Diversity Act among other things requires the Central Government under Section 36 to promote the conservation and sustainable use of biological diversity through in situ conservation and minimize the adverse effects on biological diversity of any project undertaken through environmental impact assessments that includes public participation. The Central Government is tasked with ensuring respect and protection of associated TK of local communities in accordance with the recommendations of the NBA including registration of TK and other sui generis methods for its protection. Under Sec 38 the Central Government is also required to preserve and protect those species that are on the verge of extinction.

In order to ensure the effective fulfillment of the role of the NBA at a local level, local bodies such as the Panchayats or Municipalities are required under Sec 41 to set up Biodiversity Management Committees (BMCs) to promote conservation and sustainable use and documentation of biological diversity and associated TK. The NBA and the State Biodiversity Boards would consult with the BMCs while taking any decision relating to the use of biological resources and associated TK within the territorial jurisdiction of the

BMC. Under Rule 22 (6) of the Biological Diversity Rules of 2004 the main function of the BMC is to prepare a Peoples Biodiversity Register in consultation with the local people which shall contain comprehensive information on availability and knowledge of local biological resources and their associated TK. The Biological Diversity Act under Sec 21 envisages that the NBA will base its approval regarding any application for access to biological resources or associated TK on the whether a mutually agreed terms and fair and equitable benefit sharing has been negotiated with the local community that provides such resource or associated TK (benefit claimers according to Sec 2 (a) of the Biological Diversity Act). The local community or benefit claimers in question will be identified according to the Peoples Biodiversity Register under the territorial jurisdiction of the local BMC.

The Biological Diversity Act and Rules therefore provides us certain rights: These include:

- The right to consultation and public participation prior to any project that may affect our livelihoods, biodiversity and associated TK;
- The right to conservation and sustainable use of our biodiversity;
- The right to give prior informed consent and negotiate mutually agreed terms when any biodiversity or associated TK is accessed and share fairly and equitable in any benefits arising from the utilization of our biodiversity and associated TK;
- The right to a Peoples Biodiversity Register that will document our biological diversity and associated TK;
- The right to a BMC to advise the NBA on how our biological resources and associated TK can be conserved and sustainably used; and
- The right to carry on our traditional lifestyles which involves continued access to the forest in order to conserve the biological diversity and associated TK.

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The preamble of the Forest Rights Act in accordance with Art 8j of the Convention on Biological Diversity recognizes that the forest dwelling scheduled tribes and other traditional forest dwellers are integral to the survival of the forest ecosystem. The Forest Act seeks to address the long term insecurity of land tenure and of these communities and therefore recognizes the rights of forest dwelling tribes and other traditional forest dwellers, which include nomadic or settled pastoralists, on all forest lands.

The Forest Rights Act therefore provides certain rights to the Raika community: They include:

- The right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries (Section 3c);
- The right to protect regenerate or conserve or manage any forestry resource which we have been traditionally protecting and conserving for sustainable use (Section 3i);

- The right of access to biodiversity and community right to intellectual property and TK related to biodiversity and traditional knowledge related to biodiversity and cultural diversity (Section 3k); and
- The right to traditional rights we customarily enjoyed (Section 3l).

We acknowledge the limitation of these rights under Section 4 of the Act in cases where forests are designated as National Parks or Sanctuaries, but point out that the processes set out under Section 4(2) – such as ascertaining whether other reasonable options such as co-existence are not available - remain to be complied with.

We call on the National Biodiversity Authority to:

We call upon the National biodiversity Authority to:

- Recognize our traditional knowledge as researched by the FRLHT and to include it in the Peoples Biodiversity Register (under Rule 22(6) of the Biological Diversity Rules);
- Facilitate the setting up of Biodiversity Management Committees under the local bodies (Panchayats or Municipalities) in the Vellore region and to support these Committees in ensuring the conservation and sustainable use of our biodiversity and traditional knowledge (as per section 41 of the National Biodiversity Act);
- Strengthen *in situ* conservation of medicinal plants and include them in the BMC being initiated by the government (under sections 36 and 41 of the National Biodiversity Act);
- Advise the Central Government and coordinate the activities of the State Biodiversity Boards to protect our customary rights to access forest areas so as to safeguard our traditional lifestyles that ensure the conservation and sustainable use local biodiversity, associated traditional knowledge and the local ecosystem (under section 36 of the National Biodiversity Act); and
- Ensure that our prior informed consent (according to customary law) is obtained before any decisions are taken that affect our traditional way of life or access is granted to our medicinal plants and associated traditional knowledge for research or for commercial purposes, and further assist us to ensure that we receive a fair and equitable share of the benefits arising from the utilization of our breeds and traditional knowledge according to mutually agreed terms (under section 21 of the national biodiversity Act).

We also call upon the Forest Department to re-engage with us on the issue of forest rights. We require access to the forest, so we can sustainably harvest certain medicinal plants for direct use as well as to populate our own herbal gardens. We want to be recognized as village botanists, able to provide technical guidance to the Department's conservation efforts.

Contact information

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