



*Empowered lives.
Resilient nations.*

Bio-Cultural Community Protocol

of Danus & Takulis of Jhuni



BIO-CULTURAL COMMUNITY PROTOCOL

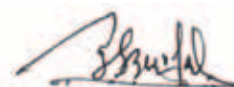
of Danus and Takulis of
Jhuni, Bageshwar District,
Uttarakhand

It gives me great pleasure to learn that the villagers of Jhuni in District Bageshwar, Uttarakhand have prepared a Bio-cultural Community Protocol as a tool to protect their rich traditional knowledge pertaining to the medicinal plants found in their Jhuni Van Panchayat forests. The inhabitants of Uttarakhand have been using the locally available bio resources since time immemorial for meeting their daily health care needs. Almost in every village the traditional healers are found in the state and the villagers of Jhuni are not exception.

I am also glad to know that the State Medicinal Plant Board, Uttarakhand and a civil society organization - Lok Chetna Manch, along with other experts, Uttarakhand Biodiversity Board, State Forest Department have capacitated the local community members to understand the gamut of laws at the state, national and international level that have implication on their traditional knowledge, practices and innovations. This will empower them to take informed decisions relating to their knowledge and resources, which they have protected thus far due to their sustainable practices.

I am sure that this is a live document and the community members will continue to improve it to make it an effective tool to promote more equitable and fair agreements on access and benefit sharing with third parties who would want to access their resources.

I wish them all the best for their future endeavors and enterprises.



Dr. Bhagat Singh Burfal

Chairman,

Uttarakhand Biodiversity Board



BACKGROUND

State of Uttarakhand is a part of Indian Himalayan Region (IHR). IHR supports about 8000 species of Angiosperms (40% are endemic); 44 species of Gymnosperms (15.41% re endemic); 600 species of Pteridophytes (25% are endemic); 1737 species of Bryophytes (32.53% are endemic); 1159 species of Lichens (11.22% are endemic); 6900 species of Fungi (27.39% are endemic). The state of Uttarakhand has been very rich in unique medicinal plants resources many of these species are globally significant medicinal plants species (GSMP). As per Zoological Survey of India (ZSI) Northern Regional Centre Dehra Dun, Uttarakhand houses the faunal biodiversity of 3748 species belonging to 1848 genera and 427 families of both vertebrates and invertebrates, to be precise there are 499 genera with 1060 vertebrates and 1349 genera with 2688 species of invertebrates found in Uttarakhand.

We the people of Jhuni, in Bageshwar district, are managing a rich forest known as “Van Panchayat” since 1945. The Van Panchayat is a unique community forest management system only practised in the state of Uttarakhand in India. The Van Panchayats are managed by an elected committee as per Van Panchayat Rules which comprises of nine members (four women and five men). It is headed by the

Sarpanch (Head of the local Forest body) who is elected from amongst them. The forest guard of the area is the member secretary of the committee without any voting rights. Being rich of certain endemic species and due to existence of certain Globally Significant Medicinal Plants (GSMP) found in this area, the State Government of Uttarakhand under a GEF – UNDP – Government of India project along with the Foundation for Revitalisation of Local Health Traditions, a Trust based in Bangalore, with the help of Uttarakhand Forest Department have identified this as a Medicinal Plant Conservation Area (MPCA). The two GSMPs found in this forest are the *kutki* (*Picrorhiza kurroa*) and *jivak* (*Malaxis muscifera*). However, we are conserving other resources in the forests too. Not only are we conserving these plant species in the forests, but also in our community. Many farmers are even growing these and several other species of medicinal plants in their fields.

Medicinal Plant Conservation Area (MPCA) is a natural site that is established and managed for the conservation of identified flagship and associated species by local people. We have been conserving the forests for decades now and have agreed to support the conservation of these plants as part of the special area declared as a MPCA.

OUR HOME

Our village, Jhuni, is situated in the upper reaches of Saryuriver valley, in Bageshwar district of Uttarakhand State, India. Saryuriver is a tributary of the Kali river, which forms the border between India and Nepal. Just North of Jhuni, the Great Himalayan range rises to a height of 7,800m (25,500ft) at Nanda Devi peak and beyond that, lies Tibet.

Geographically situated at latitude 30° 7' 08" North and longitude 79° 58' 38" East of Greenwich Meridian, our area altitude ranges from 2,700m to 3,000m. The nearest vehicle access has now been pushed further up the valley from Saung (900m) to Patiyasar, leaving a three-hour walk to Jhuni. The closest railhead at Kathgodam is a ten-hour drive from Saung and connects to Delhi in seven hours.

Our Van Panchayat (village forest) is spread over 723 ha and is one of the largest in Kumaon region of Uttarakhand State. The Van Panchayat ranges from the Saryuriver at the lowest point (about 2,500m) to the high point of Pakhua Top (around 3,200m). The forest has moist soil and is a typical mix of temperate and sub-alpine grassland.

Owing to its vastness, it extends in all directions but predominantly in South-West and South-East slope.

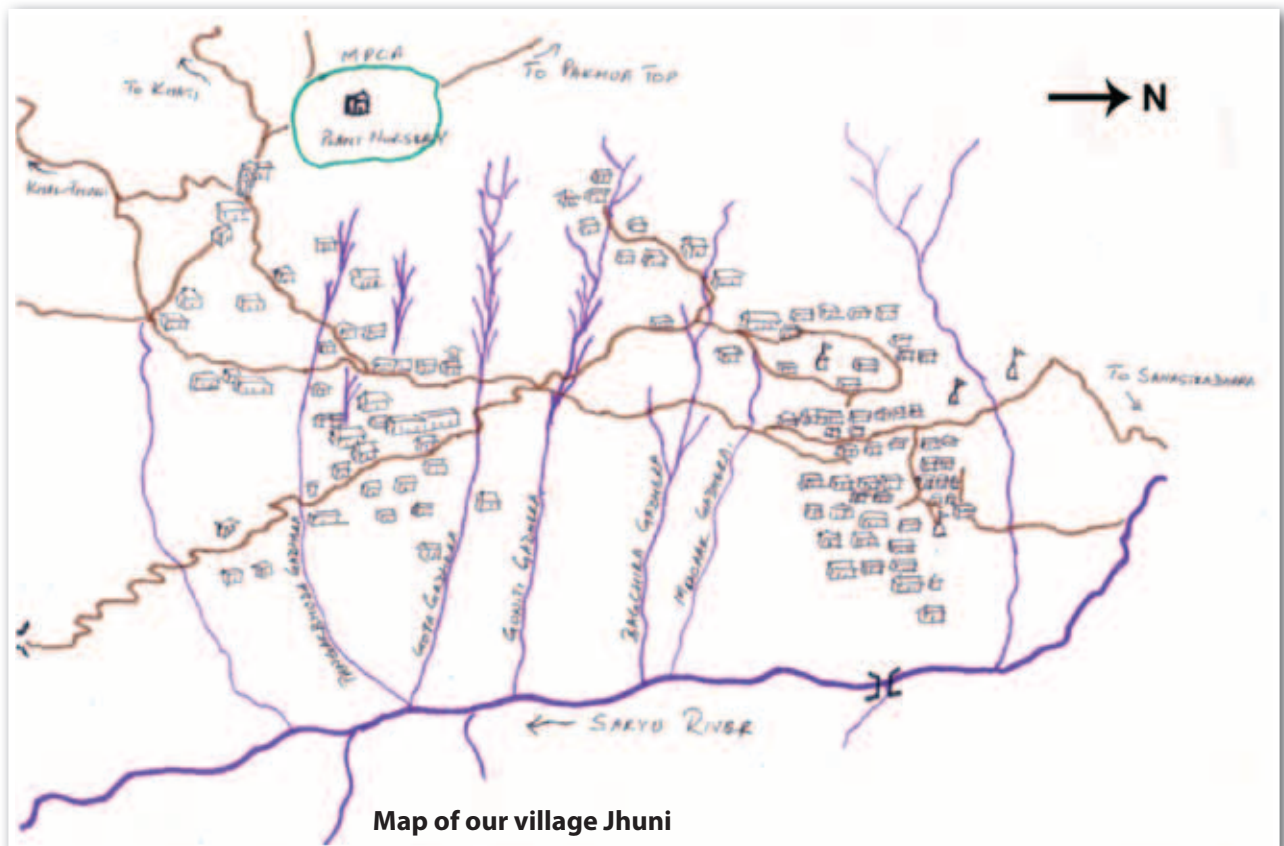


OUR ROOTS

Historically, we are the descendants of the nomadic pastoral Aryans who, in their eternal quest for fresh pastures, came to India from Central Asia and settled here. Our village comprises two communities, namely, *Danus* and *Takulis*. We are Thakurs (the warrior caste) and we believe, as per the local legend, that we are the descendants of *Daityas* or *Rakshasas* who were given the boon to have human form.

Intrinsically, we are pastoral agriculturists and are dependent on subsistence level agriculture, growing a wide range of food crops without external inputs. We keep cows, buffaloes and sheep, which are taken to higher pastures (alpine grasslands) during the summer months for grazing. We have been harvesting the surrounding forest for ages for our own use. These forests have been providing us fuel, fodder, food, timber and medicinal plants.

We are a hard working community, very amicable and friendly and are great lovers of music and dance, with a storehouse of folk songs and dances. Traditionally, we never indulged in alcohol or drugs. Home brewed spirits were introduced in our region by the Bhotia tribe. We are mainly vegetarian by force of circumstance, and have maintained ourselves since Pre-history in a harmonious balance with the surrounding natural environment.



OUR PROTOCOL SETS OUT

- Our traditional and simple lifestyle, which makes us live in harmony with mother nature;
- Important species of plants found in our forests and how we depend on them for our daily needs;
- How we have brought various species of medicinal plants found in the forest and developed traditional knowledge for making home remedies which take care of the health of the community members;
- The challenges that we face in conserving our forests and protecting and promoting our traditional knowledge;
- Our sustainable use of biological diversity and its conservation;
- The principles on which we want outside communities and other parties to access our knowledge and resources;
- Our rights and privileges under various national and international laws and conventions.

Our protocol concludes with a narration of our understanding of our legal rights and privileges under the Indian law and calls upon the National Biodiversity Authority, the State Biodiversity Board and the State Medicinal Plants Board for assistance to conserve, protect, respect and promote our traditional knowledge base. It further calls on the State Forest Department to work with our community towards resolving our conflicts and concerns regarding our forest rights.

We welcome anyone to use our knowledge and have access to our resources. However, given that the international and national laws recognise our rights to our knowledge and resources, we expect everyone to respect our rights and seek our informed consent to access our knowledge and resources. We also expect everyone to discuss a fair and equitable benefit sharing agreement with us for the utilisation of our resources and knowledge.

OUR RUSTIC LIFESTYLE

We have been closely associated with our surrounding forests and have been heavily dependent and living off them in a non-destructive, sustainable manner. The forest holds a special significance and place in our lives and are revered and prayed to. Our forests range from temperate to alpine grassland. The different forest types are: Low to mid-montane hemi-sclerophyllous broadleaf forest with concentrated summer leaf drop where the common species are 'Banj' Oak (*Quercus leucotrichophora*), 'Rianj' Oak (*Quercus lanuginosa*), 'Moru/Tilonj' Oak (*Quercus floribunda*), 'Kharsu' Oak (*Quercus semecarpifolia*), 'Buraans' (*Rhododendron arboreum*), 'Aiyaar' (*Lyonia ovalifolia*), 'Kandel' (*Ilex dipyrena*), Chir Pine (*Pinus roxburghii*). Our forests are also very rich in epiphytic flora. Mid-montane needle-leaf Evergreen Forest where the common species are 'Deodar'/Cedar (*Cedrus deodara*), 'Kail/ Blue Pine' (*Pinus wallichiana*), 'Morinda/Silver Fir' (*Abies pindrow*), 'Rai/Spruce' (*Piceas mithiana*), etc. Mid-montane Winter-deciduous Forest where the common species are 'Pangar/Horse Chestnut' (*Aesculus indica*), 'Kainju/Maples' (*Acer pictum*), (*A. caesium*), 'Shinroi/Hornbeam' (*Carpinus viminea*), 'Utees/Elm' (*Ulnus nepalensis*), 'Saur/Silver Birch' (*Betula alnoides*), 'Pathi/Wild Pear (*Pyrus lanata*), 'Akhrot/Walnut' (*Juglans regia*), 'Angar/Ash' (*Fraxinus micrantha*). High-montane Mixed Stunted Forest where the common species are 'Bhojpatra/Silver Birch' (*Betula utilis*), 'Rai/Silver Fir' (*Abies spectabilis*), and 'Kharsu Oak' (*Quercus semecarpifolia*), 'Simru' (*Rhododendron campanulatum*), *R. Lepidotum*, *R. anthopogon*, etc.

Our forests meet all our daily needs, namely, fuel wood, fodder (leaves and grasses), building timber, wood for different implements such as plough, axe handle, sickle handle, pestle, jaadi/tadam for thrashing grain, etc, grass for thatch roofs, poles for cultivation, medicinal plants and some food plants. We are aware of the resources in our forests and accordingly harvest these in a sustainable manner. In the recent past we have been harvesting and collecting forest produces like *kidaghaas (cordyceps sinensis)* and *sadva (Hedychium spicatum)* which have brought additional monetary gains to the community.

SOME OF OUR MEDICINAL PLANTS



OUR MEDICINAL PLANTS TRADITIONAL KNOWLEDGE

We have a rich heritage of home remedies. Owing to our remoteness and non-availability of good health care facilities in our area, we have developed our own traditional home remedies, which we share freely within the community. We use a large variety of local medicinal plants whose properties we have learnt through experience and inter generation knowledge transmission. Among these are the following species: Stinging nettle, Himalayan yew (*Taxus baccata*), mameri plant (*Pthalictum folionossom*), *kholia* plant, Kutki (*Picrorhiza kurroa*).

By using the plants found in the fringe forests, we have developed traditional home remedies for simple ailments such as migraines and foot sprains and even for chronic stomach



aches, severe foot sprains, and herpes. Concoctions from some of the GSMP species such as *taxus* and *kurroa* are used for treating various ailments. Some treatments require a precise set of actions and rituals which are undertaken by healers. Medicinal plants are also processed into balm and paste for ailments due to viral infections and for open wounds. Some concoctions are used extensively as analgesics for treating fever and cold. The traditional knowledge of our community does not limit itself to human medicine. We have developed several medicinal plant based treatments for veterinary purposes for the providing relief of our animals from ailments and pain.

We have a lot of faith healers, each having a special mantra which is passed down through generations for healing different ailments. For jaundice, we do not have any faith healers at present in our community and thus a faith healer is summoned from a nearby village, Tarsal. For snake bites, dyspepsia, dysentery, stomach aches, cataract, bad vibes and herpes, we have different local health healers who have their specific set of mantras.

Bee keeping

We also use honey for medicinal purposes. Bee keeping is an age old tradition and we have a special way of making bee boxes. We keep Indian bees (*Apis indica*) in hollow tree trunks which are cut to specific sizes and then sealed at both ends with one single aperture in



the centre of the rounded part. These boxes are then kept horizontally on the roofs or attics of our houses. This helps in keeping the bees comfortable even in extreme cold conditions. The presence of bees helps in increasing the yields of crops by heightened pollination. Honey was the only source of sweetener in earlier days, before the advent of sugar into our valley. This honey is free from the effects of chemicals and pesticides and owing to different flowering plant species in our surrounding forests, this honey has great medicinal properties.

OUR AGRICULTURE AND PASTORAL ACTIVITIES

Our traditional and indigenous knowledge is not limited to bio-resources found in the wild or forest. We have also developed a rich knowledge of large varieties of local crops. We engage in traditional agriculture with the knowledge having passed down from our ancestors and we use no chemical inputs in our field. We are still using traditional methods and implements for cultivation purposes and are not dependent on any mechanical equipment. Our fields are rain fed; we do not have any provision for irrigation. We have two growing seasons (rabi – November to March; and kharif – April to October) every year.



Our mainstay crops are potatoes, garlic and *rajma* (red beans), whose seeds have been with us for generations. We prefer to use seeds of our traditional varieties and we have special ways to store our seeds to keep them healthy. We have a system of exchanging seeds amongst our community members, which helps maintain purity and quality in seeds.

We also grow barley, wheat, *chulai* (*maranth*, *Amaranthus caudatus*), radish (2 varieties), mustard, zarak (sweet belladonna, *Phytolacca acinosa*), coriander, ragi (*Eleusine coracana*), turmeric,



kalajeera, gandhraini (*Angelica*), chives, mint, peppermint, *kut* (*Saussurea lappa*), *methi* (*Fenugreek*), *phaphar* (bitter buck wheat, *Phagopyrum tataricum*), *uggal/palthic* common buck wheat, (*Phagopyrum esculentum*), *kauni* (foxtail millet, *Setaria italica*), *kalyaon* (a species of lentil), etc. We supplement our diet with the use of stinging nettle (*shisoan*, *Urtica dioica*) and vegetable fern (*linguda*, *Diplazium esculentum*) which grow wild in our forests around the village. We traditionally grow apples, walnuts and figs, which takes care of our fruit supplement.

Being traditionally pastoral, we have been rearing livestock. We keep cows, buffaloes, goats and sheep. Buffaloes are not allowed in the village premise and are restricted to the lower reaches of the village. The sheep are taken for grazing to the alpine pastures (*bugyals*) during the summer and monsoon months. We also keep mules, which are used as pack animals, which form our lifeline for transportation.

Hemp (*Cannabis*), which grows well on broken ground and stinging nettle, which grows wild, are used extensively by us for making ropes used for tying cattle, mules, carrying head loads and for other daily uses.

We harvest and use hill bamboo (*Arundinaria falcata*) which flourishes in our forests to make *moshtas* (mats), baskets, *supas* (sieves) for grains and as pole supports to grow *rajma*.



OTHER FEATURES OF OUR CULTURE

Our houses are traditionally double storied with the lower section designated for the cattle, stocking fuel wood, fodder or storing grain. While the upper section forms the living quarters. The stone masonry is plastered with a mixture of mud, cow dung and husk and the roofs are either stone slates or a thatch roof made from a variety of grass (*khaud*) which grows in our forests. Traditionally, the woodwork was done by using Himalayan fir, alder and yew (*Taxus baccata*) which are good for carving but now we have stopped using yew as it is endangered.

Our spiritual values

We are Shaivites, a sect of Hinduism, who have retained strong local traditions outside the Hindu mainstream, including worship of the local goddess Nanda Devi and other village deities associated with the forests, springs, trees and rocks, etc. Our main festivals are Diwali, Dusshera, Uttarayani,





Kalyon, Phooldeyi and Rakshabandhan which we celebrate with a lot of fervour and gaiety. We also have a number of local fairs, which are celebrated with a lot of pomp and show. During spring we have the Chaitasthami dedicated to goddess Bhagwati and in monsoon we have the Nanda Devi fair for 3 days. In September we have a community gathering when prayers are offered to the deity at the Golu Dev temple. Before harvesting the rabi crop we have a puja (*Kalae*) dedicated to the Bhumiyal deity (*deity of soil*) who is responsible for the cultivable land. Thus, all our fairs and festivals have some links to bio-resources and we have various practices, which have inherent conservation values. These fairs and festivals attract a lot of people from outside and also bring back sons of the soil. There is a trend that majority of the young people migrate to the plains but they all return to



their villages during these festivals and fairs. These are opportune times for transmission of knowledge through various practices to the younger generation. Over the recent years, we see more and more young people returning to their villages with their families to participate in their family and community festivals.

Our economy

Our economy is traditionally agrarian and pastoral. We are highly dependent on the forest for our livelihood and earn about 60 % from agricultural activities, 25 % from animal husbandry and the rest from NTFPs. In recent years some of us have started supplementing our incomes from adventure and village tourism. One of our traditional sources of income was from hill bamboo craft, which sadly is in decline.

THREATS

With diaphanous streams and sparkling brooks aplenty, our forests are thickly wooded with spruces, oak and rhododendron and the omnipresent and majestic Himalaya providing a fitting and panoramic backdrop are almost idyllic. The abounding natural splendour of our village with the forest teeming with wildlife and the air flush with bird song make it our very own piece of heaven. In spite of being an oasis of tranquillity, the situation will be beyond repair and our way of life will be lost forever if the threats are not addressed immediately before it is too late.

The remaining tracts of Kharsu Oak (*Quercus semecarpifolia*) unique to the Himalayas are struggling for survival and it may not be long before we lose these rich forests to climate change, over-exploitation and sheer neglect.

Our primary threat is the increasing pressure on our limited resources and unsustainable harvesting of the forest produce in our community forest due to

lack of awareness. We have been living with the forest and off the forest for generations and have been conserving them in our traditional ways for centuries. If our rights to access are curbed and the newer generations of our community is getting alienated from the forest, a large chunk of our traditional knowledge base which has been developed over centuries by successive generations, will wither and die out. We hold a rich traditional knowledge on the local environment and are willing to share it with the concerned departments and work in tandem towards conserving our ancestral forests.

The pressures we feel on our resources make us fear for the sustainability of our future and for the livelihood of the generations to come. We feel we could benefit from training and capacity building in different economic activities to improve our production. Adding value by processing, packaging, and accessing local and premium markets for some of our produce can give us enhanced incomes and can serve as a panacea for conservation.



ACCESS TO OUR KNOWLEDGE THROUGH PRIOR INFORMED CONSENT

We are committed to knowledge sharing among members of our community according to our customary laws and keen to transfer knowledge from one generation to the next. As mentioned earlier, we have been consciously engaging in this. However, after being sensitised to the various laws and policies at the national and international level, we are of the view that we will be careful in sharing our knowledge associated with the local resources with any person not belonging to the community.

We are also of the view that anyone who wants to access our knowledge and resources must seek permission from our newly established Biodiversity Management Committee (BMC) and Uttarakhand Biodiversity Board. For each request received by us, we will hold a meeting of our Biodiversity Management Committee and assess the request according to the intended use of the resource or knowledge. We will also look at the status and availability of the resource in our forests. Then we will inform the State Biodiversity Board about our decision as per the provisions given in the Biological Diversity Act, 2002. Also we would like to consult the State Medicinal Plant Board and our local NGO recognised by the state (Lok Chetna Manch) before arriving at any decision. The draft entailing terms and conditions will be elaborated in consultation with the resource/knowledge seeker and the BMC. The benefit sharing arrangements will be discussed in a participatory manner on the basis of the intent of the use of the resource and knowledge and as per the provisions of the Biological Diversity Act, 2002. We want the process of seeking our knowledge or resources to be completely transparent and the parties seeking this should disclose all information about the intended use of the resource of knowledge and the likely benefits accruing to them because of this. We will assess each demand on a case by case basis according to our principles and terms and conditions expressed in this protocol. Although we have agreed on a model

contract for signing an agreement with the 3rd party (see Annex 1), whether from our country or overseas, in consultation with the State Bio-diversity Board, we will seek the consent of the community and then a written agreement will be signed by the BMC and the knowledge/resource seeker who will have to respect the following principles adopted by us in this protocol:

- Compliance with the provisions of the agreement in word and spirit;
- Not engaging in any activity which is in any way harmful to the community or humanity in general, and which damages the environment, in particular, our forest;
- The knowledge and resource seeker should involve the community, wherever possible, in the research being undertaken – whether academic or field/ lab based;
- The BMC should be kept informed on a regular basis (every 6 months) on the developments of research. Similarly, a copy of the progress report should be sent to the State Biodiversity Board and the State Medicinal Plant Board too;
- Any form of Intellectual Property Rights (Patents, copyrights, trademarks, etc) for an innovation emerging from the use of our traditional knowledge should be applied for only after prior informed consent from the BMC, SBB and the NBA and as per the provisions of the Biological Diversity Act, 2002;
- Any research or use of our traditional knowledge and resources which are accessed must be documented in an audio-visual manner as many in our community are illiterate and may not be able to read the reports sent by the knowledge seeker;
- We will engage with foreign companies only through our BMC, State Biodiversity Board and National Biodiversity Authority;
- knowledge and resource seeker will comply with the provisions of the existing legal framework and the principles enshrined in this protocol.

OUR RIGHTS UNDER STATE, NATIONAL AND INTERNATIONAL LAWS

Our rights are protected under various laws and Conventions namely The Convention on Biological Diversity, The Nagoya Protocol, at the international level, and the National Forest Policy 1988, the Biological Diversity Act 2002, The Biological Diversity Rules 2004, and The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 at the national level, and The Uttarakhand Panchayati Forest Rules, 2005, at the State level.

The **Convention on Biological Diversity (CBD)** ratified by India in 1992, states the three objectives of biodiversity conservation, sustainable use, and fair and equitable sharing of benefits from its use. The main steps forward entailed in the document are the following:

- States have sovereignty over their biological resources;
- The role of Communities and indigenous peoples in protecting and conserving biodiversity through their culture and tradition are acknowledged;
- Any access to a community's natural resource requires the approval of the State concerned, based on prior informed consent of the communities.

Of major importance for us is Article 8(j) which requires States, subject to their national legislation, to 'respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practice'.

The Nagoya Protocol (2010) specifically addresses

access as well as fair and equitable benefit-sharing mechanisms. It requires the States to:

- Take measures to ensure that benefits arising from natural resources and traditional knowledge held by communities are shared in a fair and equitable way with communities, on mutually agreed terms;
- Provide for legal clarity and transparency rules on access and benefit-sharing mechanisms;
- Provide information on rules and procedures for obtaining prior informed consent and mutual agreements;
- Create conditions to promote and encourage research contributing to biodiversity conservation and sustainable use of biodiversity.

In addition, the Protocol encourages States to support the development of

- Community protocols to access and benefit-sharing regarding traditional knowledge associated with natural resources;
- Minimum requirements for mutually agreed terms;
- Model of contractual clauses for benefit-sharing.

Indigenous rights over land and traditional knowledge are also recognized in various other international Conventions, such as the **Declaration of the Rights of Indigenous Peoples**.

The National Forest Policy 1988 advocates the people's participation in the management of forests and natural resources and advocates the first right of local people on the natural resources. Our rights are protected under the following articles:

- Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income (Art 3.5).
- The life of tribal's and other poor living within and near forests revolves around forests and their rights and concessions enjoyed should be fully protected. Their domestic requirements of fuel wood, fodder, minor forest produce and

construction timber should be the first charge on forest produce. These and substitute materials should be made available through conveniently located depots at reasonable prices (Art 4.3.4.3).

The Biological Diversity Act (2002) translates at the domestic level India's commitment under the Convention on Biological Diversity. It specifically requires the Government to promote in situ conservation (Art 36) and ensure the protection of our traditional knowledge through registration and other potential means. The Biological Diversity Act also sets up implementation entities at the national, state, and local level. Their functions are detailed in the Biological Diversity Act (2004) :

- The National Biodiversity Authority is tasked to:
 - Advise the Central Government on Biodiversity conservation, sustainable use and ABS arising from the use of biological resources and associated traditional knowledge (Rule 12)
 - Grant approvals for commercial or scientific requests on use of biological resources by Foreigners, based on consultation with us, local communities, and on whether mutually agreed terms and fair and equitable benefit sharing have been negotiated with us (Rules 14.3 and 20.5)
- The State Biodiversity Boards undertake decentralized implementation and are tasked to:
 - Advise at the State level on Biodiversity conservation, sustainable use and ABS arising from the use of biological resources and associated traditional knowledge
 - Grant approvals for commercial or scientific use of biological resources by Indians, based on consultation with us, the local communities, and on whether mutually agreed terms and fair and equitable benefit sharing have been negotiated with us.
- Biodiversity Management Committees (BMCs) have to be set up by Panchayats and Municipalities at local level. Their main task is to:

- Prepare 'Peoples Biodiversity Registers' in consultation with us and local communities. The document shall contain comprehensive information on availability and knowledge of local biological resources, their medicinal or any use or any other associated traditional knowledge (Rule 22.6)
- Advise the State Biodiversity Board and National Biodiversity Authority for granting approval and to maintain data over the local vairs and practitioners using biological resources (Rule 22. 7)

Under the **Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006)**, rights of traditional forest dwellers to forest land are recognized in the preamble. So is their authority for sustainable use, conservation of biodiversity and maintenance of ecological balance, thereby strengthening the conservation of forests and ensuring them livelihood and food security. Even if they don't apply on National Parks and Sanctuaries, community rights are notably acknowledged on:

- Ownership and access to collect, use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries (Art 3c)
- Management, protection, regeneration, conservation of any forest resource which have been traditionally protected and conserved for traditional use (Art 3i)
- to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity (Art 3k)
- Traditional rights customarily enjoyed (Art 3l)

Our rights are also protected under various sections of the **The Uttarankhal Panchayati Forest Rules, 2005**. Some of themain elements are as follows:

- We have rights over Village Forests / Panchayati Forests constituted from reserved forests for being

settled at the boundary of the forests as recorded in lists and for having been residing in the village continuously for 10 years even if being landless (Art 6a).

- No forest produce shall be exploited unless the ecological requirements of the area are ensured by Village Forest / Panchayati Forest (Art 18.1)
- Management Committee shall have the status of a forest officer and shall exercise the following powers for the area entrusted to it
 - To institute and defend suits and proceedings in respect of claims arising under these rules (Art 20b)
 - To exclude, from any or all privileges in the Village Forest / Panchayati Forest, any person, whom the Management Committee may consider to be responsible for any fire or damage to the Village Forest / Panchayati Forest area or who does not obey orders issued by the Management Committee in exercise of the powers conferred on it (Art 20e)
 - To make local sale of forest produce, without detriment to forest, and to issue permits and charge fees for grazing or cutting grass or collection of fallen fuel if considered necessary with prior approval of the Divisional Forest Officer, and made for the bonafide use community rights holders; no permission of the Divisional Forest Officer is necessary for allowing grazing or cutting of grass or collection of fallen fuel (Art 20g)
- Management Committee, after getting approval from the General Body, may enter into contract with Self Help Group or a member of a group or individual member (as the case may be) for proper management, improvement, protection and development of the Village Forest / Panchayati Forest in its jurisdiction (Art 20i)

- The Management Committee may frame by-laws for the distribution of forest produce among persons entitled thereof, for regulating, grazing, cutting of grass and collection of fuel, to levy fee to meet its administrative expenditure and for any other purpose consistent with these rules. The byelaws shall come into force after consent of general assembly and shall be approved by the Divisional Forest Officer (Art 21)
- A Village Forest/ Panchayati Forest Fund shall be created for every Management Committee (Art 28.1)
- Net income, which is determined from the sale of Resin and other forest produce and obtained from compensations amount and fees shall be deposited in Village Forest / Panchayati Forest Fund. 80% of the amount shall be done for implementation to development purposes, like projects of public utility, maintenance and development of Panchayati Forest (Art 30.2)

We call on Forest Officials to work with us in partnership with a view to developing joint management plans respectful of both our access rights and medicinal plant conservation.



ANNEXURE 1:

Agreement for the access of biological resources / Traditional Knowledge /both

1. This Agreement is between the Provider and the recipient having the following details: (Append additional sheets if required – marked as Annexure A}

PROVIDER Indicate if Individual <input type="checkbox"/> , Village <input type="checkbox"/> , BMC <input type="checkbox"/>	RECIPIENT Indicate if Individual <input type="checkbox"/> , Company <input type="checkbox"/>
Name(s):	Name :
Community name (if applicable):	Individual / company :
Nationality :	Nationality :
State & District:	Address:
Address:	Phone number:
Phone number:	Fax:
Fax :	Email id :
Email id :	

2. Type of bioresource (BR) accessed (Plant/Animal/Microorganism/By-products):

S.No.	Plant/Animal/ Microorganism/ by-product	Part accessed & geog. location of access	Local name	Scientific name (mandatory)

(Append additional sheets if required – marked as Annexure B)

3. The period / duration of access of biological resource :
 - a. If one time access, date of access :(dd/mm/yy.....; Quantity :
 - b. If for a duration : From (dd/mm/yy)to(dd/mm/yy); Quantity :
4. Will you access traditional knowledge relating to bio resource? Yes No
If Yes provide details; append additional sheet if required-marked as Annexure C):

5. Will you access any other traditional knowledge not relating to BR? Yes No

If Yes provide details; append additional sheet if required-marked as Annexure D):

6. Purpose of access (please provide details) of the bioresource(s) and / or traditional knowledge (hereinafter together referred to as 'Accessed Resource') :

Research Commercial Use Other

If Other, please specify _____

7. Mode of payment for accessing "Accessed Resource" (please see schedule A)

a. For Bio resource : Monetary Non-Monetary Other

b. TK relating BR : Monetary Non-Monetary Other

c. TK not relating to BR: Monetary Non-Monetary Other

8. If the response to paragraph 7 above is "Monetary" please provide details:

a. For Bio resource: INR..... by way of cash / cheque / draft

b. TK relating BR : INR..... by way of cash / cheque / draft

c. TK not relating to BR : INR.....by way of cash / cheque / draft

If the response to question 7 above is not "Monetary", then please indicate the mode (append additional sheet if required-marked as Annexure E).

TERMS AND CONDITIONS OF THE AGREEMENT:

9. The Recipient agrees that all proprietary rights in the traditional knowledge vests with the Provider

10. The Recipient shall use the said Accessed Resource solely for the purpose mentioned in Point 4 above.

11. The Recipient shall maintain the conditions stipulated for the duration of the field work conducted. In the event of any changes, the Agreement shall be re-negotiated, taking into account: (conditions).

12. The Recipient shall pay the Provider for the said Accessed Resources as mentioned in paragraphs 7 and 8 above

13. Publications if any, pertaining to the Accessed Resources or their use or application in any media including print or electronic shall be in the joint name of the Recipient and the Provider.

14. The Recipient shall duly acknowledge the source of the biological resources as well as the traditional knowledge accessed in all publications related to the said Accessed Resources.

15. The Recipient shall send copies of the publications and preliminary report related to the accessed resources used and its modifications to the appropriate body established under the Biological Diversity Act and related laws.

16. The RECIPIENT shall take all necessary measures to ensure the respect, preservation, and maintenance of the knowledge, innovations, and practices of the Provider.
17. The RECIPIENT shall likewise take all necessary measures to ensure compliance with all the applicable laws, rules, guidelines and regulations of both countries.
18. If the use/study of the said Accessed Resource(s) leads to commercialization, the Recipient agrees to inform the Provider and enter into a separate agreement for equitable benefit sharing as detailed in Section 21 read with Rule 20 of the Biological Diversity Act 2002.
19. The Recipient covenants that the said Accessed Resource shall not be used to produce any goods that could be considered as the geographical indication under the Geographical Indications of Goods (Registration and Protection) 1999.
20. In the event the Recipient fails to comply with any of the obligations set forth herein, the Agreement may be terminated by the Provider by giving certified notice for compliance within 30 days of receipt of the said notice failing which the Provider shall be at liberty to take legal action under applicable laws including the Biological Diversity Act, 2002.
21. Disputes if any, shall be referred to the Gram Panchayat under notice to the Biodiversity Management Committee, State Biodiversity committee and the National Biodiversity Authority for adjudication / settlement.

Dated this the date atplace

Provider :

Recipient:

Witness 1:

Witness 2:

BDA	Biological Diversity Act 2002
BR	Biological Resource
PIC	Prior Informed Consent
TK	Traditional Knowledge
Schedule A	Suggestive list of forms of benefit sharing as laid out in the Nagoya Protocol
Annexure A, B, C, D & E.	Additional sheets appended if required under points 1, 2, 4, 5 & 8 respectively

SCHEDULE A

1. Monetary benefits may include, but not be limited to:
 - (a) Access fees/fee per sample collected or otherwise acquired;
 - (b) Up-front payments;
 - (c) Milestone payments;
 - (d) Payment of royalties;
 - (e) Licence fees in case of commercialization;
 - (f) Special fees to be paid to trust funds supporting conservation and sustainable use of biodiversity;
 - (g) Salaries and preferential terms where mutually agreed;
 - (h) Research funding;
 - (i) Joint ventures;
 - (j) Joint ownership of relevant intellectual property rights.
2. Non-monetary benefits may include, but not be limited to:
 - (a) Sharing of research and development results;
 - (b) Collaboration, cooperation and contribution in scientific research and development programmes, particularly biotechnological research activities, where possible in the Party providing genetic resources;
 - (c) Participation in product development;
 - (d) Collaboration, cooperation and contribution in education and training;
 - (e) Admittance to ex situ facilities of genetic resources and to databases;
 - (f) Transfer to the provider of the genetic resources of knowledge and technology under fair and most favourable terms, including on concessional and preferential terms where agreed, in particular, knowledge and technology that make use of genetic resources, including biotechnology, or that are relevant to the conservation and sustainable utilization of biological diversity;
 - (g) Strengthening capacities for technology transfer;
 - (h) Institutional capacity-building;
 - (i) Human and material resources to strengthen the capacities for the administration and enforcement of access regulations;

- (j) Training related to genetic resources with the full participation of countries providing genetic resources, and where possible, in such countries;
- (k) Access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies;
- (l) Contributions to the local economy;
- (m) Research directed towards priority needs, such as health and food security, taking into account domestic uses of genetic resources in the Party providing genetic resources;
- (n) Institutional and professional relationships that can arise from an access and benefit-sharing agreement and subsequent collaborative activities;
- (o) Food and livelihood security benefits;
- (p) Social recognition;
- (q) Joint ownership of relevant intellectual property rights.



Empowered lives.
Resilient nations.

Pictures Credit: Akshay Sah