

Case Study:

Vaidyas from the Malayali Tribe

COMMUNITY BACKGROUND

- There are a number of Vaidyas (traditional healers) from the Malayali tribe who live in the Vellore District of Tamil Nadu, India.
- They are practitioners of the Siddha tradition as well as their own indigenous traditions of healing.
- They have faced exclusion from local forests and in August 2009 developed a bio-cultural protocol to address the issues.

KEY ISSUES

A. Conservation and Sustainable Use of Biodiversity

- The Vaidyas believe that plants are sacred and the effectiveness of plant-based medicines is integrally linked to respecting the plants and caring for them.
- They do not harvest the medicinal plants to sell at the markets but collect them primarily for healing practices.
- The Malayali tribe has had a tradition of healing for many generations and six generations of healers have harvested sustainably from the forests and ensured their conservation. Practices include actively spreading seeds as they walk along fields and in forest areas.

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B. Traditional Knowledge and Plant Genetic Resources

- The Vaidyas have received their knowledge through family traditions, from Sadhus (ascetics and teachers), from experience, sharing with other healers and dreams.
- Women have additional knowledge of birthing and also focus on pre-natal and postnatal care.

C. Prior Informed Consent and Benefit Sharing

- The Vaidyas underscore that they have a tradition of sharing and exchanging knowledge amongst themselves they only share knowledge with others if they will use it for the good of others in the tradition of the Vaidyas.
- They will only provide access to knowledge according to the principle of prior informed consent, obtained through the Tamil Nadu Paramparya Siddha Vaidya Maha Sangam.
- They state that their knowledge must be used to heal people and not to make profit, thus, any medicines based on their knowledge must be sold to the poor at a minimal cost.

D. Challenges

- Because of unsustainable harvesting in forest areas, the Forest Department has instigated a blanket ban on collecting from the forests.

- This has had the effect of limiting the capacity of the Vaidyas to treat community members.

RIGHTS & RESPONSIBILITIES

A. Rights under Indian Law

- The Vaidyas claim rights under the following laws: the Biological Diversity Act of 2002 and the Biological Diversity Rules of 2004; the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

B. Additional Community Demands

They call upon the National biodiversity Authority to, *inter alia*:

- Recognize their traditional knowledge and to include it in the Peoples Biodiversity Register.
- Facilitate the setting up of Biodiversity Management Committees (BMC) under the local bodies (Panchayats or Municipalities).
- Strengthen *in situ* conservation of medicinal plants and include them in the BMC being initiated by the government.
- Protect their customary rights to access forest areas so as to safeguard their traditional lifestyles that ensure the conservation and sustainable use local biodiversity, associated traditional knowledge and the local ecosystem.
- Ensure that prior informed consent (according to customary law) is obtained before any decisions are taken that affect their traditional way of life or access is granted to their medicinal plants and associated traditional knowledge for research or for commercial purposes.

They also call upon the Forest Department to engage on the issue of forest rights.

C. Community Commitment

- They want to have access rights to the forests to sustainably collect medicinal plants the purposes of healing. They are willing to comply with the conditions set by the Forest Department to ensure conservation of the forests.