

BIO-CULTURAL COMMUNITY PROTOCOL
OF GUNIS AND MEDICINAL PLANT
CONSERVATION FARMERS
OF MEWAR



THROUGH KNOWLEDGE, HEALING;
THROUGH VIRTUE, CONSERVATION.

We are *Gunis* (traditional healers) and medicinal plants conservation farmers from the Mewar Region of Rajasthan in India. The *Gunis* among us take our name from *guna*, which is a Sanskrit word that has three meanings: knowledge, healing and virtue. Anyone can have knowledge, but *Gunis* are those of us who use our traditional knowledge virtuously to heal people. Our *dharma*, which is translated as “the path of virtue”, is to ensure our communities’ wellbeing in accordance with our virtues that underscore selfless service and caring for the environment.

To protect our traditional knowledge we must locally conserve and sustainably use our local resources like medicinal plants, and actively use and share our knowledge. As a group we conserve medicinal plants through home herbal gardens and *Dharam bageechis* (self-managed medicinal plants development areas) and share our knowledge with each other and our *Shishya* (Disciple or student) to ensure its continued development. In this way, the valuing of our knowledge by our communities leads to conservation, and the sustainable use of local resources *viz.* medicinal plants, minerals, etc. is leading to the development of traditional knowledge.

We include in our group small farmers or forest dwellers and tribals who make an important contribution by conserving and growing medicinal plants, often focusing on endangered species that have been over-harvested in the wild. This conservation farming is a critical part of ensuring the sustainability of specific species endemic to Rajasthan.

We are all associated with Jagran Jan Vikas Samiti (JJVS), an organization that works for the revitalization of local health traditions.

Our protocol sets out

- Our *Guni dharma*: our bio-spiritual virtues and bio-cultural relationship with nature;
- How we contribute to our communities’ health, cultural and social development;
- How we develop traditional knowledge and share it according to our bio-spiritual virtues , including how we provide prior informed consent to use our knowledge;
- How we conserve and sustainably use biological diversity; and
- The challenges we face.

It concludes by setting out our understanding of our rights under Indian law and calls upon the National Biodiversity Authority to assist us to protect and promote our traditional knowledge and on the Forest Department to engage us in dialogue to resolve the concerns we have regarding our forest rights.

The *Guni dharma*: bio-spirituality and selflessness

Our *dharma* (path of virtue) is to use our traditional knowledge virtuously, by respecting the sanctity of nature whilst serving our communities with selflessness. We are custodians, practitioners and conveyors of an ancient but dynamic body of knowledge.

Our Bio-spirituality: Our bio-spirituality is rooted in a relationship with nature that is both intimate and sacred. We experience a deep sense of kinship with the plants and animals and treat nature with love and respect. Our knowledge, dreams and intuitions, all of which are crucial for healing, are based on our ability to see ourselves as integrally connected to nature, not separate from it.

When harvesting medicinal plants from our home herbal gardens, *dharam bageechis*, or from the wild, we always pay our respects to the Divine spirit that is present in the plants through specific rituals that include reciting mantras and chanting *bhajans* (prayers that are sung). We usually pray to the medicinal plant that we seek to harvest the day before doing so, informing it that we will come for it the next day and asking its permission to be harvested and to provide us with its healing energy.

An example of one such prayer as translated from Sanskrit:

*That God who is in fire, who is in water, who has created the universe;
that God who is in medicine, that God who is in nature, we bow to three.*

Once a year we all come together in our respective regions to commemorate Dhanvantri, the god of medicine and the founder of Ayurveda.

Selflessness: The Saint Tulsi Das, who we hold in high regard, wrote the following Hindi verse that sums up a significant aspect of *Guni dharm*a:

*Daya dharm*a ka mool hai
Paap mool abhiman
Tulsi daya na chhodiye
Jab tak tan mein praan

It is translated as:

Compassion is the root of the path of virtue
And the root of evil is the ego/pride
Tulsi Das says don't stray from compassion
Till your very last breath

Compassion is the root of *Guni dharm*a and represents the cornerstone of our bio-spirituality. Our relationship with nature and our community has to be based on compassion, love and humility. We serve people however difficult it is for us, not thinking of profits, without prejudice, displaying trust, and building trust.

It is compassion that is at the heart of being a *Guni* and one's *guna* (knowledge/virtue) is beyond caste, gender and religion. *Gunaaha poojasthanam gunishu, na cha lingam, na cha vaya*. This is a Sanskrit verse from one of our scriptures that captures this sentiment. It is translated as, "In a healer only the virtue/knowledge is worthy of worship, irrespective of the healer's gender or age."

While we are united by our *Guni dharm*a, we are culturally diverse because of our particular religious beliefs and community level organizations. We also have specific types of traditional knowledge and treat distinct ailments in a variety of ways.

Our *Guni dharm*a assists us to treat patients in a holistic manner. Our role is not only to give medicines, but to heal the person. We acknowledge that illness has diverse causes and multiple manifestations that are also linked to social problems. Thus we see our communities' wellbeing as our own, their sorrows as our sorrows, and their spirits as unified with ours. Approaching patients from the perspective of *Guni dharm*a helps us to maintain the wellness of our community, and where they fall ill, to provide medical, social and spiritual guidance to deal with the root of their sickness.

We contribute to our communities' health and cultural and social development

We are based predominantly in rural Rajasthan where medical or health facilities are few. In any event, our communities have little available money for paying medical bills. When epidemics break out, our communities in the past received little to no support, which has had tragic consequences, especially for the most vulnerable. We are therefore the primary health care providers to the villagers.

We have our own names for the various ailments and have particular ways of understanding of how the ailments occur. We treat a range of seasonal, common and chronic ailments, including coughs and colds, diarrhea, broken bones, skin diseases, jaundice, various types of asthma, pneumonia, wounds, snake bites, scorpion stings, scabies, stomach ache, malaria, leucorrhea, and gastritis. The women among us also assist with childbirth and pre- and post-



postnatal care. Each one of us specializes in particular kinds of ailments, with overlaps of knowledge between us. When someone approaches one *Guni* with a particular illness that another *Guni* has more knowledge about, we refer them to that *Guni*.

We are also asked for advice on problems in family relationships, village disputes and spiritual matters because of our wisdom. The female *Gunis* are particularly respected in the communities and have been able to use their status to change social customs, leading to the empowerment of women.

Some of us also have ethno-veterinary knowledge for treating animals. Animal hospitals are few and far between and often when the animal falls ill, it cannot walk and it is too expensive to transport it to the veterinary hospital. Thus the only realistic treatment is local. Notably, we treat some of the livestock keepers' important breeds of sheep and camels, and therefore we also help conserve important animal genetic resources.

We develop traditional knowledge and share it according to our ecological, spiritual and cultural values

Most of us have learned our initial knowledge from *Sadhus* (ascetics), from our forefathers and mothers or a *Guni* with whom we trained. Some of us are self-taught and have learned by sharing and exchanging knowledge with other *Gunis*. Regardless of the way we have learned, we are united in having a deep connection with nature. Once that connection is established, a single-minded focus on healing and an openness to the world as our teacher has lead us to build on our knowledge via wisdom we have received in a dream- or trance-state through intuition and experimentation.

We feel we have a duty to ensure the preservation of our knowledge by sharing it with others. We do so with other *Gunis* and with disciples on the basis that it must not be

misused. By this we mean that whoever uses our knowledge must do so according to our *Guni dharma*. We completely reject the use of our knowledge in ways that either degrade the environment or deny the poorest in society from receiving treatment. Either action is a form of exploitation that goes against our *Guni dharma* and has serious implications for society and the efficacy of the knowledge.

Free, prior and informed consent: We regularly share our knowledge amongst ourselves according to our customary norms that encourage the sharing of knowledge, but prohibit the transfer of knowledge to those who will misuse it by going against our *Guni dharma*.

If an outsider wants to access our knowledge, the *Guni* who is approached will inform other *Gunis* through Jagran Jan Vikas Samiti (JJVS), the organization that has since 1994 assisted *Gunis* in Rajasthan and six other states to revitalize our traditions. We will then hold a meeting of our governing body, the appropriate *Gunis*, local conservation farmers, and other relevant community members. We will require full information about the intended use of the knowledge.

While we will assess each request on a case by case basis, any sharing of knowledge will be subject to our *Guni dharma* as set out in this protocol. In addition to the two core values of conserving nature and not denying access to healthcare to the poorest of our communities, our *Guni dharma* includes:

- No sharing of our knowledge with anyone who would try to make excessive profits. The benefits to the individual should be commensurate with those to the environment and society;
- The researchers and/or companies have to share some benefits with the community where the *Guni* is based, including recognition of our role in developing the traditional knowledge;
- We want to be involved in parts of the research;
- No patenting of the knowledge;
- Any use would be on the basis of a share alike license;
- The outcomes must be translated into our main languages: Mewari and Hindi;
- Any subsequent change of use of the knowledge requires renewed prior informed consent (PIC);
- We will not at this stage deal with foreign companies; and
- We want a continuing relationship with the user in terms of periodic reports.

To sum up, anyone who wants to engage with us must **acknowledge our development** of the knowledge and should be prepared to treat the environment with **equilibrium** such that there is no degradation and **reciprocity** so that anything we provide is compensated in a like manner according to our values.

We conserve and sustainably use biodiversity

Nature is sacred and has intrinsic value. Those who do not treat nature as sacred cannot be healers, because caring for nature is the dharma of a healer. People should give their lives to save the trees.

Conserving medicinal plants is critical to the local (*in situ*) development of our traditional knowledge. We ensure the *in situ* conservation and sustainable use of medicinal plants in a number of ways outlined below.



Dharam Bageechi: Some of us have been given land by the village or own a protected area on which to grow medicinal plants in a wild setting, which we call *dharam bageechi*. *Dharam* is translated into English as meaning selflessness or selfless service, and *bageechi* is orchard. Thus *dharam bageechi* literally means “gardens of service.” While we look after the areas, we see them as a community resource upon which we draw to treat community members. By closing the area to grazing, many medicinal plants grow, leading to their regeneration to naturally abundant levels. We also specifically propagate certain species that are not initially found within the *dharam bageechi* or that are particularly endangered.

Home herbal gardens: We each have our own herbal gardens at our houses in which we grow the most important plants. Often these gardens are up to half an acre in size. We feel that every home should have an herbal garden and promote the growing of the most widely used plants for common ailments by villagers near their homes and along the verges of fields. Presently there are already over 10, 000 home herbal gardens in Rajasthan, but we want to promote a further increase in numbers.

Conservation farming: Through *Gunis'* knowledge, some of our community members have begun to grow medicinal plants for the local and regional market. While being distinct from *Gunis*, we include medicinal plants conservation farmers in this group. We are able to buy low cost plants directly from the farmers. The farmers constitute 20 to 30 families who employ indigenous farming methods, including no use of pesticides or herbicides that affect microorganisms and other life forms beneficial to the environment.



Guni Ashram: In addition, JJVS also runs a *Guni* Ashram in the area in which they propagate many important species of medicinal plants and trees for donating to villagers. We contribute in our own way by providing specimens of the rarer species to them.

Sacred sustainability: Our bio-spirituality determines the way we interact with nature. In addition to ensuring that we provide space for the conservation of medicinal plants, our customary laws relating to harvesting are derived from our values that emphasize the sacred importance of sustaining our ecosystems.

We mostly harvest a plant in the morning and before collecting from a plant, we offer customary prayers.

We only harvest the roots, leaves, fruits, and bark at certain times, according to custom, to ensure that the plant matter is ripe or ready to be collected, increasing its efficacy and minimizing damage to the plant or tree. Our methods have been proven to be very sustainable. For example, we have harvested from some of the same plants for over 20 years.

The health of the plant is of paramount importance to us, even more so than the patient, in the sense that we would never harvest a plant in such a way that it would die, regardless of the demand.

We face certain challenges

Our key concern is the way the Government of India has increasingly limited our access to the areas under its management. We agree with the focus on conservation but feel that their blanket policies are hurting our communities. There are commercial harvesters who collect medicinal plants in large quantities in an unsustainable manner. We stand in contrast to them, revering the forest and wanting to use its resources from time to time in a sacred and sustainable way. JJVS had dialogued with some policy-makers or decision-makers towards obtaining on our behalf licenses to permit us entry for small scale collection of medicinal plants, but the dialogue was not concluded. We feel that the local forests should contain “no-go” areas for pure conservation, but also include areas that allow permit holders to collect plants according to forest officials’ standards. We have vast traditional knowledge regarding plant conservation and want to work with the concerned department on this issue and be recognized as village conservators or village botanists.

Our rights under Indian laws

India is a signatory to a number of international legal instruments that require national implementation of their provisions, including the UN Declaration of the Rights of Indigenous Peoples, the Convention on Biological Diversity, the International Labor Organization Convention 169 on Indigenous and Tribal Peoples, and the International Covenant on Economic, Social and Cultural Rights. The Republic of India has drawn from these international laws to promulgate, among other laws of relevance to forest-dwelling communities, *The Biological Diversity Act of 2002* and *The Biological Diversity Rules of 2004*, and *The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006*. We feel that our rights under international law are more extensive than those granted under domestic law, and we call on the Indian government to further develop laws that offer us rights in accordance with internationally agreed standards. This having been stated, we seek the full extent of our rights as enshrined under domestic law.

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 Section 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 Section 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 Section 21 envisages that the NBA will base its approval regarding any application for access to biological resources or associated TK on whether mutually agreed terms and fair and equitable benefit sharing has been negotiated with the local community providing such resources or associated TK (benefit claimers according to Section 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 provide 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 to share fairly and equitably 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 forests 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 Article 8(j) 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 us with certain rights as a community, including:

- The right of ownership and 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 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 in which 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.

Finally, under Section 5, holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under the Act are empowered to:

- protect the wildlife, forest and biodiversity;
- ensure that adjoining catchments areas, water sources and other ecologically sensitive areas are adequately protected;
- ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage; and
- ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.

It is clear from the above that we are committed to these activities and seek to foster cooperation with local Forest Officials to develop joint management plans.

We call on the National Biodiversity Authority

We call upon the National biodiversity Authority to:

- Recognize our traditional knowledge as it has been recorded by JJVS 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 Rajasthan 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 to 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 conservation. We require access to the forest produce so that we can sustainably harvest certain medicinal plants for direct use as well as to populate our herbal gardens and *dharam bageechis*. We want to be recognized as village botanists, able to provide community support to the Department's conservation efforts.

We thank Jagran Jan Vikas Samiti

We are grateful to the assistance given to us over 25 years by Jagran Jan Vikas Samiti. JJVS has raised our awareness of the benefits we provide to our communities, organized us to amplify our voices and helped us to develop according to our community specific needs. They helped us to revitalize our traditions and have always promoted self-sufficiency over becoming dependent on outside inputs. We are grateful for their establishment of the *Guni* Ashram and their ongoing support that we accept as independent and equal partners.

We express solidarity with all traditional healers

This protocol represents a declaration of solidarity with all *Gunis* in India and with other traditional healers in the world who share our bio-spiritual ethics.

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Final note: We developed this protocol with assistance from JJVS and Natural Justice: Lawyers for Communities and the Environment.

