Objectives: Through participatory research, this study aims to enable the Yanadi community of Chittoor District, Andhra Pradesh, to gain enhanced recognition of their customary rights over Traditional Health Knowledge (THK) related to medicinal plants, and safeguard their traditional knowledge and bio-resources. It aims to raise awareness of the communities of policy threats and opportunities, assist the development of community-controlled biodiversity registers, and enable the tribals to form an Association of Yanadi healers to assert their rights as health providers and resource protectors.

Context: The Yanadi are recognized as a Scheduled Tribe under the Constitution of India. Through their reliance on forests they have developed extensive knowledge of bio-resources, medicinal and aromatic plants and wild foods, including unique remedies for chronic ailments (eg. snake-bites). The Yanadi traditionally lived in the fringes or the midst of the forest where they had continuous access to flora and fauna. But they have been relocated to hamlets away from the forests, where they are marginalized on the edge of villages, living as farm labourers, supplemented with minor NTFP collection.

Challenges and Opportunities for Protection of Bio-Cultural Heritage: The availability of raw materials needed to practice traditional medicine is becoming more and more difficult to ensure. Forced eviction, alienation from the forest resource base and discrimination are making the Yanadi loose their rich THK and innovation processes, knowledge about wild foods and associated food security, and customs and beliefs related to THK and conservation of biodiversity. While the tribals who once nurtured the forest can be fined for collecting medicinal plants, eucalyptus plantations which destroy natural forests are let in.

Whereas medicinal plants were collected by husbands and wives together, and by the entire family going to the forest, now only males may go alone, provided they have a special permit (Giri card). Women healers are denied free access to forest even for medicinal plant collection, despite their great potential to safeguard the health and food needs of the family. These policies are making women loose their practical knowledge about medicinal plants, leading to malnutrition and poor health. The older generation have diminished powers and often do not get Giri cards. Decentralisation of local administration has replaced traditional institutions headed by elders with younger people who have no knowledge about customs and beliefs. Furthermore, customary rights/land rights are decided by the Forest Committee with forest officials and bureaucrats and not by the “Grama Sabha” (village committee).

Yanadi healers with long standing expertise are not formally recognized as health providers. They feel that their knowledge only serves ethnobotanical research and the pharmaceutical industry. They do not like to divulge knowledge about the locality and use of plants to outsiders, but are sometimes deceived to do so by people posing as traders. Free access to the resource base and legal recognition of herbal healers to practice based on the customary laws is needed to enable the Yanadi to stand on their own two feet. The local bodies (Grama Sabha) should be given a free hand to evolve appropriate laws that strengthen and recognize the Yanadi customary rights and laws.

India’s Constitution declares that the State shall promote with special care the economic interests of Scheduled Tribes and protect them from social injustice and all forms of exploitation. It guarantees tribal peoples many freedoms - freedom of expression (art 19(1) (a); freedom to practice a profession of one’s preference (art. 19 (1) (g)); and freedom to reside and settle in any part of India (art. 19(1)(e)). The Pachayat Raj Act (Extension to Scheduled Areas) 1996 empowers the Gram Sabha to safeguard traditions, cultural identity and community resources, and prevent alienation of land in scheduled areas, and endows it with ownership of minor forest produce.

The Tribal Rights Bill of 2005 contains further provisions for the restitution of the rights of tribal people to own, live in, access and sustainably use forest land, provided they occupied the land before 1980. While it is progressive in recognizing the rights of forest-dwelling tribals, it may be difficult for tribals to prove their rights due to the lack of access to historical records.
claims to their traditional forest land if they are nomadic or semi-nomadic, as are most of the Yanadi, or if they have been moved to other areas since 1980. The Bill also seeks to grant community rights to traditional knowledge of forest biodiversity and cultural diversity, however it could be at odds with customary practices, as it seems to follow a pro-IPR approach of documentation, commodification and patenting of TK.

**Interlinked Systems of Collective Bio-Cultural Heritage:** Traditional health knowledge of the Yanadi is closely interlinked with Bio-resources. Medicinal plants for health care are derived by the continuous access to and observation of the natural resource. Knowledge generation and maintenance is dependent on their traditional life style, culture and heritage. Forest Bio-resources are considered to be common property of the community. The communities use these resources for food and medicine in a sustainable way, with self imposed limitations on forest clearance, restriction on hunting certain species, protection of sacred groves/plants, and rotational use of some rich biodiverse areas. These are clear examples of their collective bio-cultural heritage rights.

Medicinal knowledge is acquired and transmitted through rituals in sacred forests. Plants for specialised cures are harvested wild through special rituals, and it is believed that their cultivation will remove their potency, and that if a plant is grown in the garden, it will be inflicted with the disease for which it is used. Hence the maintenance of knowledge systems depends on access to sacred forest and wild resources. The Yanadi tribals have many religious beliefs and festivals connected with the forest flora. Ceremonial visits are traditionally made to the forest to show respect to nature and deceased ancestors, worship health goddesses, and give reverence to the plants that keep them healthy. In the past entire families used to go to the forest for NTFP collection and the head used to educate his family members about medicinal plants. That way knowledge generation and transmission continued unabated and new knowledge was added.

**Customary Laws and Practices:** The Yanadi culture includes principles of common property (or heritage), reciprocity (collective sharing) and harmony (symbiotic relationship), but these principles are threatened. The traditional health knowledge used for primary (every day) health care is shared among the community and considered to be the collective heritage of the community. There is reciprocity and harmony in sharing of natural resources both for food and medicine. Even in NTFP collection, clear customary laws are followed to maintain reciprocity, harmony and flexibility.

The traditional health knowledge about chronic illness (paralysis, gout, skin infections etc.) is kept secret. It is not divulged to any except to the kith and kin. Even the plants used for cure are not uttered loudly and the people say its efficacy goes when they pronounce the name to others. The healers do not like to divulge the knowledge about the locality, identity and usage of the plants to outsiders. In this way, the knowledge is protected from use by others. Even the plants and animals used in the preparation are kept secret and the resource base is passionately guarded.

**Lessons for Sui Generis Systems:** The Yanadi tribes are all of the view that benefit-sharing should be according their customary laws, wherein reciprocity and harmony is interlinked. IPRs do not make any sense unless the customary rights/practices related to TK are first protected. The right to knowledge is their custom but making it a source of income is not in the minds of the older generation. The priority for the Yanadi is to gain formal recognition/support for their role as healers, gain free access to forest resources and be engaged as partners in managing protected areas. The Grama Sabha is the highest body in decision making in the hamlet. It decides about PIC and nominates the older members to take decisions.