

INDIA CASE STUDY – INDIGENOUS LEPCHAS of the EASTERN HIMALAYAS

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Objectives: This study entails participatory action-research with Lepcha communities in Sikkim State and Kalimpong area of Darjeeling Gorkha Hill Council (DGHC), West Bengal - with a particular focus on farming systems and traditional rice varieties. Together with a local NGO (the Centre for Mountain Dynamics), village and Panchayat leaders, and women self-help groups, it aims to explore the potential of customary laws in the protection of community rights over traditional knowledge and genetic resources; and identify elements for developing a sui generis mechanism for their protection. It also aims to sensitize the local and indigenous communities on emerging trends in policies/ laws, and promote the recognition of customary laws at national and international levels.

Context: The Eastern Himalayan belt is a global biodiversity 'hotspot' and centre of origin for a number of crops, fruits and vegetables, including rice, with an estimated 600 traditional rice varieties. The study region shares borders with Nepal to the west, Bhutan to the east and China (Tibet) to the north. The Lepcha people are the original inhabitants of the region, listed as a scheduled tribe under the Constitution of India. The region is now inhabited by many other ethnic communities of Tibetan and Nepalese origin. Lepchas were mainly hunter-gatherers, and are now mainly subsistence farmers growing paddy, maize, millets and broom grass, and cardamom, ginger and oranges in some parts. They have traditional knowledge related to all areas of life – food, medicines, housing, crafts, integrated pest management, forest and water resources.

Challenges and Opportunities for Protection of Collective Bio-Cultural Heritage: Over the past decade there has been a *decline in traditional rice varieties* of the region, and in the use of traditional knowledge. Although the Lepcha communities have not so far accepted modern varieties, the depletion of traditional varieties is due to cheaper rice based products available in the market, and smaller and fragmented land-holdings. The aspirations of younger generation are changing with the penetration of markets and globalisation, some want to grow commercial crops such as flowers which bring in quick and easy cash (but entail use of chemical fertilizers). Nevertheless, with continued use of biological resources, new uses of plants are still being discovered (eg. wild amla fruit leaves are used to pack cut flowers).

At the same time, there is very *little awareness of bio-piracy* issues and the potential value of TK and bio-resources amongst the communities and region as a whole. The development of sui generis mechanisms requires sensitization to these new threats and the development of new rules to cope with new influences on their knowledge and resources. For example, communities may wish to adapt their customary practices of free-sharing with regard to external users.

Despite several constitutional and statutory provisions granting *recognition to customary laws* and practices (including TK), sectoral laws, policies and schemes provide hardly any space thereto, and customary rights and laws are not recognized by higher judicial bodies. Central legislation such as the Biodiversity Act overlooks the right of the community as it has not accorded any role to the community in deciding access to TK and GRs. The proposed seed legislation requires all farmers' varieties to be registered. This will dissuade farmers from saving traditional crop varieties, leading to erosion of knowledge and genetic diversity. However, as an autonomous council, the DGHC can enact its own laws in certain areas, and experience shows that laws enacted by autonomous councils are most often closer to local customs, values and customary laws. Sikkim is a fully organic State which brings opportunities for promoting TK and traditional varieties.

Interlinked Systems of Collective Bio-Cultural Heritage: In the traditional Lepcha and other communities of Sikkim and DGHC area, *TK is very closely linked to the biological resources* found in the region and vice versa. The diversity of rice varieties still in use is inextricably linked to the different socio-cultural and religious aspects of life – for example rice is used for important occasions like weddings and new year's day. Land tenure and rights of access to forests, water, soil, and other natural resources are well-defined and understood by the community members. The needs of the community were hitherto largely met within the landscape they were residing in by sharing and exchanges within the community.

In spite of the fact that water and forests were nationalized in most parts of India and local/ indigenous communities were alienated from the control of these resources, communities do have access to these resources by way of privileges and concessions, especially in areas where government machinery is unable to reach. By way of customary norms, social taboos and traditional practices, communities continue to *conserve the resources at landscape level*. In times of scarcity people resort to wild and minor forest produce from the adjacent forest areas. Communities which do not have forests in their vicinity come to an agreement with neighbouring villages to access the resources.

Customary Laws and Practices followed by traditional knowledge holders fulfill individual, family and communal needs. Although all practices elicit compliance, only some of these have the force of law and are enforceable by community institutions. People have a strong belief in supernatural powers and many customary and conservation practices owe their compliance to the fear thereof. The entire Himalayan belt is considered *Dev bhoomi*, the land of the Gods.

- a) *Principle of Reciprocity:* The process of exchange of seeds to maintain purity of seed is followed. Seeds are exchanged in the same proportion. This enables the conservation of rice diversity in the region. Farmers exchange seeds of different varieties and try to rotate the variety in their lands every two –three years. This custom, *dastur*, of reciprocity is visible in all walks of life in the village society. The process of pooling in labour to help someone in another's fields is called *khetla*. And when the others reciprocate their services, it is called *perma khelna*. Free sharing of seeds and knowledge also takes place between neighbouring communities, including in different countries.
- b) *Principle of Duality:* This principle is inherent in the principle of reciprocity. Local people believe that an individual serves dual function in a society: one, as an individual being and the second, as a part of a collective. Some actions are undertaken to fulfil one's own needs but the individual also undertakes actions to contribute to his or her role as a part of a collective.
- c) *Principle of Equilibrium:* The local communities believe that they derive their knowledge and resources from the supernatural powers and the cosmic world. For instance, the Lepchas believe that the mountain gods bless them with seeds and rain for growing crops. The gods give innumerable cosmic and natural indications related to the timing and volume of rain. The Lepchas show their appreciation by way of a series of rituals.

Transmission of Knowledge: Knowledge is transmitted during occasions of collective action such as festivals, farming activities, birth and wedding celebrations. Usage of knowledge is very important for keeping the knowledge alive, else the resource will be available but the knowledge will get lost. Interaction with the village children shows they know much about the medicinal plants that grow in their surroundings or areas they have access to in their daily lives. Village children besides attending school, help in all household chores including farming activities. Children go to the forests to collect firewood and grass. Some go with their parents and in the process learn about the value of different plants. If they fall sick while in the forest, parents use these plants and so knowledge is transmitted. One way to protect such TK systems and related rights may be to establish a 'Rice Park' which strengthens customary resource management systems.