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PART - IV

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 2nd March, 2011

No.DC/L/VII/1/2011/2/444 – In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Bill of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (PROTECTION AND PROMOTION OF KHASI TRADITIONAL MEDICINE) ACT, 2011.

(Passed by the Khasi Hills Autonomous District Council on 2nd March, 2011)

(Received the assent of the Governor on 22nd September, 2011)

(Published in the Gazette of Meghalaya Extraordinary issue dated 7th October, 2011)

AN

ACT

To codify and make provisions for the protection and promotion of Khasi Traditional Medicine and use thereof.

PREAMBLE - Whereas the Khasi Traditional Medicine which is accessible, affordable and efficacious for maintenance of public health and also provides opportunities for livelihoods, trade for its practitioners as well as the conservation of biodiversity and;

Whereas Khasi traditional medicine is under threat from depletion of medicinal plants, inadequate documentation and transmission, and domination by other systems of healthcare;

And Whereas it is expedient and desirable to have this law on the protection and promotion of Khasi traditional medicine in accordance with the prevailing social custom, traditional knowledge and practices of the Khasis;

Now, therefore, the Khasi Hills Autonomous District Council, in exercise of the power conferred upon it under clause (b), (f) and clause (j) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India and of all other powers enabling it in that behalf, hereby enacted in the Sixty Second year of the Republic of India as follows:-

1. **SHORT TITLE, EXTENT AND COMMENCEMENT:-**

- (1) This Act may be called the Khasi Hills Autonomous District (Protection and Promotion of Khasi Traditional Medicine) Act, 2011.
- (2) It shall extend to the whole of Khasi Hills Autonomous District.
- (2) It shall come into force at once.

2. **DEFINITIONS** - In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:-

- (1) **“District Council”** means the Khasi Hills Autonomous District Council constituted under the Sixth Schedule to the Constitution of India.
- (2) **“Executive Committee”** means the Executive Committee of the Khasi Hills Autonomous District Council;
- (3) **“Khasi Traditional Medicine”** means the comprehensive wisdom, knowledge, skills and practices relating to Khasi traditional medicine in the broad context of holistic wisdom including philosophy, theology, social customs and traditions, diets and foods, folklore and legend, sacred sites and space, traditional social lifestyles and community relationships, home remedies, spiritual and psychological healing, chants, prayers and invocations; that are practiced, performed and used by Khasi traditional healers, priests, elders, housewives and other practitioners throughout Khasi society.
- (4) **“Khasi traditional medicine practitioner”** means a person who is highly-learned in the knowledge, skill and practice of Khasi traditional medicine.
- (5) **“Khasi traditional medicine institute”** means an institution set up for the purpose of providing education in, conducting research on, providing healthcare in and promoting Khasi traditional medicine established or certified by the District Council.
- (6) **“Khasi traditional medicine commission”** means a body set up under this Act as the competent authority for the purpose of regulating, monitoring and evaluating the implementation of this Act.
- (7) **“Khasi Traditional Medicinal Knowledge Rights”** means the legal basis by which Khasi society, Khasi traditional medicine practitioners, Khasi traditional medicine institutes, the Khasi traditional medicine commission and other Khasi traditional organizations exercise their rights to have access to, protect, control and own their traditional medicine, knowledge, skills, practices, medicinal plans and medicine formulations, and includes the right to receive payment, royalties and other compensation for purposes hereto as well as all the Intellectual Property Rights connected thereto.
- (8) **“Medical plant”** means and includes plants, animals, minerals, micro-organisms or the extracts from any of these entities, used in their whole state or processed form, for the purpose of examination, diagnosis, or treatment or prevention of disease, or promotion and rehabilitation of the health of human beings or animals and shall include the provenance or habitat of such entity.
- (9) **“Medicine formulation”** means a part of plants, animals, minerals, micro-organisms or the extract from any of these entities, used singly or in combination through a production process in specified or unspecified quantity and proportion as per Khasi traditional custom.
- (10) **“Medicinal plant sanctuary”** means a forest (reserve), wildlife sanctuary, or other natural zone notified by the District Council for the protection, conservation, cultivation and promotion of medicinal plants and shall include all Private Forests, Law-Ri-Sumar,

Law Lyngdoh, Law-Kyntang, Law Niam, Law-adong and Law-shnong, Protected Forests, Green Block, Raid Forest, District Council Reserved Forest and un-classed Forest as defined under Section 3 of “The United Khasi-Jaintia Hills Autonomous District (Management and Control of Forest) Act, 1958”.

(11) “**Secretary**” means the Secretary of the Khasi Traditional Medicine Commission.

3. **KHASI TRADITIONAL MEDICINE COMMISSION:-**

(1) On the commencement of this Act, the District Council shall constitute a Commission by the name and style of Khasi Traditional Medicine Commission with the following.

- (a) Chairman,
- (b) Secretary,
- (c) Four eminent Khasi Traditional medicine practitioners preferably registered with the Commission.
- (d) Two eminent practitioners of other system of medicine
- (e) Four eminent members of civil Society from academia, media, social work, cultural organization, or other professions.
- (f) One member from a Khasi traditional medicine institute.

1 (a) The tenure and other terms of the members of the Commission shall be prescribed by the Executive Committee. Provided that the initial constitution of the Commission may include such four eminent Khasi Traditional medicine practitioners nominated by the Executive Committee.

(2) The Commission shall have the following powers and duties:

- (a) To advise the District Council on policies and regulations on education and training, standards of practice and codes of professional conduct of Khasi traditional medicine.
- (b) To formulate policy and standards for medical plants and medicinal formulations in respect of Khasi traditional medicine.
- (c) To encourage documentation and research, awareness and advocacy of Khasi traditional medicine.
- (d) To take steps for ensuring Khasi traditional medicinal knowledge rights.
- (e) To set up and maintain a Register of qualified and certified Khasi Traditional medicine practitioners and to add and remove names of practitioners.
- (f) To coordinate various government and civil agencies.
- (g) To manage finances and the raising of funds and grants and their disbursement for the protection and promotion of Khasi Traditional medicine.

4. **REGISTRATION OF KHASI TRADITIONAL MEDICINE PRACTITIONERS:-**

(1) The Commission on application shall register the names of qualified Khasi Traditional Medicine Practitioners for the purpose of documenting the prevalence and practice of Khasi traditional medicine, establishing standard norm of practice, eligibility for incentives, schemes and remuneration and for the general promotion and protection of Khasi traditional medicine, in accordance with the following provisions:

- (a) Registration of Khasi traditional medicine practitioners is voluntary.
- (b) A Khasi traditional medicine practitioner is eligible for registration based on one of the following criteria.
 - (i) Self-documentation of experience and expertise as per the parameters and standards fixed by the Commission.
 - (ii) Qualifications as certified by Khasi traditional medicine institute.
 - (iii) Nomination of eminent practitioners by the Commission or by a Khasi traditional medicine institute.
- (c) Applications/nominations in the prescribed format shall be submitted to the Secretary along with the prescribed fees.

- (d) Applications will be considered by the Commission, which shall have the sole right to decide upon the application.
- (e) Each registered practitioner shall be given a certificate and a registration number.
- (f) Registration shall be for life except when withdrawn as under Sub-section (1) (g) of Section 4.
- (g) Registration may be withdrawn by the Commission for professional misconduct or by conviction of a civil or criminal offence involving moral turpitude.

5. KHASI TRADITIONAL MEDICINE INSTITUTE:-

Within the limits of its economic capacity and development, the District Council may on its own establish or aid the establishment of Certified Institutes of Khasi Traditional Medicine to offer courses of study leading to diplomas and degrees, which will be set up in accordance with the standards and regulations determined by the Commission.

(1) An institute to be eligible for certification by Commission shall meet the following minimum criteria:

- (a) It shall be a department or centre of a recognized university.
- (b) The university shall have a declared intention to set up academic activities in indigenous knowledge in its charter, vision, objectives or mission statement.
- (c) The university shall have a track record of academic and research work in Khasi traditional medicine.

(2) A Certified institute shall conduct the following activities

- (a) Offer diploma and/or degree programs in Khasi traditional medicine.
- (b) Conduct research in Khasi traditional medicine.
- (c) Conduct community projects in Khasi traditional medicine.
- (d) Provide capacity building and continuing education for traditional medicine practitioners.
- (e) Provide information and capacity building to health practitioners of other systems of medicine.

(3) Accreditation

- (a) The Commission shall frame guidelines, norms and standards for the setting up and operating of a Khasi traditional medicine institute.
- (b) Universities desirous of establishing an institute of Khasi traditional medicine shall apply to the Commission in the prescribed format providing details of the curriculum, diploma/degree programs to be offered, research and other activities to be conducted.
- (c) The Commission shall consider the application and approve, reject or call for further information.
- (d) No institute of Khasi traditional medicine shall be set up without the permission of the Commission.

6. PROTECTION OF KHASI TRADITIONAL MEDICINE:-

(1) Declaration of medical plant sanctuaries

- (a) Areas that are the habitat of medicinal plants may be declared as protected sanctuaries to preserve the natural conditions for the conservation and prevent alteration of the natural ecosystems and biodiversity.
- (b) The declared areas shall be surveyed and mapped, the boundaries demarcated and suitably signposted.
- (c) Regulations shall be framed for the entry of persons, the intake and out-take of medicinal plants and other permitted and prohibited activities.
- (d) Penalties shall be stipulated for infringement of the regulations.
- (e) The role of the local governance bodies and individuals shall be specified in the regulations.
- (f) A scheme of management for the medicinal plant sanctuaries shall be drawn up

- (g) A list and database of medicinal plants shall be made and steps introduced for their conservation.
- (h) A list and database of cultural and sacred spaces shall be maintained.

6(A) KHASI TRADITIONAL MEDICINAL KNOWLEDGE RIGHTS:-

- (a) Khasi traditional medicine, all of its component knowledge and manifestations of its knowledge, skills and practice, and related branches of knowledge and all its derivations shall be considered the Khasi Traditional Medicinal Knowledge Rights of the Khasi tribe, especially the wise holders and practitioners of the knowledge.
- (b) Khasi Traditional Medicinal Knowledge Rights protection shall be extended to medicinal plants, formulations, processed medicinal plants, treatments and remedies, manual and massage treatments, preventive, promotive and rehabilitative care, texts, legends, spiritual and psychological components, chants, prayers and incantations and all other entities related to Khasi traditional medicine.
- (c) The Commission shall set up guidelines and procedures for the legal protection of Khasi traditional medicine, to utilize all available methods such as patents, geographic indications, bio cultural communications, biodiversity registers, community knowledge registers and other methods.
- (d) Khasi Traditional Medicinal Knowledge Rights of Khasi traditional medicine shall collectively reside in the Khasi tribe, but rights to any component may be granted to an individual, a group of individuals, community or institution within Khasi society.
- (e) The Commission shall maintain a database of Khasi traditional medicine and all Khasi Traditional Medicinal Knowledge Rights received, granted or in process of claim.

7. PROMOTION OF KHASI TRADITIONAL MEDICINE:-

- (1) Steps shall be taken for the documentation and validation of Khasi traditional medicine. These shall include, but not be limited to:
 - (a) Census of Traditional healers, surveys, field and laboratory research and clinical trials.
 - (b) Preparation of pharmacopoeia, glossaries, dictionaries, texts, journals, documentaries and databases.
 - (c) Setting up of seed banks, herbaria and museums.
- (2) Awareness and education activities shall be taken up as follows:
 - (a) Dissemination of information about Khasi traditional medicine to the general public including the Government, institutions and media.
 - (b) Inclusion of appropriate material in textbooks for children.
 - (c) Health clinics of Khasi Traditional Medicines, camps, exhibitions and seminars.
- (3) Schemes and incentives shall be offered for the promotion of Khasi traditional medicine for such activities as:
 - (a) Cultivation of medicinal plants.
 - (b) Home, school and community herbal gardens.
 - (c) Processing and value addition.
 - (d) Marketing of medicinal plants.
 - (e) Khasi traditional medicine tourism.
 - (f) Preservation of livelihoods and trade related to Khasi traditional medicine.
 - (g) Promote, encourage and support the formation of associations of *Khasi* traditional medicine practitioners.

8. APPEALS:-

- (i) Appeals against any order made by any authority under the provisions of this Act shall lie to the Executive Committee whose decision shall be final.

Provided that the Executive Committee may authorize any two of its Executive Members to exercise power or powers conferred upon him under the provisions of this Act. Anything heard, any act done or order passed by such members of the Executive Committee shall be deemed to have been heard, done or passed by the Executive Committee.

- (ii) Every appeal made under this section shall be preferred by a party within one month from the date of the order appealed against. However delay, if any in filing the appeal beyond the period of one month may be condoned by the appellate authority on good and sufficient reasons shown by the appellant for such delay.

9. POWER OF THE EXECUTIVE COMMITTEE TO MAKE RULES:-

- (1) Subject to the approval of the District Council, the Executive Committee may, on appropriate occasions with prior consultation of the Commission, make Rules for carrying out the purpose of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provisions, such Rules may provide for all or any of the following matters, namely;
- (i) The form and manner of applications including fees to be payable thereon
 - (ii) Forms of certificates and fees to be levied thereon
 - (iii) Tenure, Service conditions and allowances of members of the Commission and Institutes established by the District Council.

STATEMENT OF OBJECT AND REASONS

Whereas it has become an imperative need to safeguard, preserve, promote and protect the knowledge of traditional Khasi medicine system, its practice and ingredients connected thereto by way of Institutional support.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the **2nd March, 2011**.

(Shri Fabian Lyngdoh)
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Act.

Dated Shillong,
The 22nd September, 2011

R.S. MOOSHAHARY
GOVERNOR OF MEGHALAYA
